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TAMMANY'S CONTROL OF NEW YORK BY PROFESSIONAL CRIMINALS

A STUDY OF A NEW PERIOD OF DECADENCE IN THE POPULAR GOVERNMENT OF GREAT CITIES

BY

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ILLUSTRATED WITH DRAWINGS BY WILLIAM OBERHARDT

FROM 1870 to 1890 the Democratic party was in absolute and natural control of New York City. By reason of great changes in the population, its natural popular majority then left it. From 1894 to the present day — fifteen years — it has been in charge of New York two thirds of the time. In all of that period, with one doubtful exception, it has never had one majority of the popular vote at a city election that was not obtained through the votes of trained bands of "repeaters," composed largely of professional criminals. The history of this artificial control of a population of four million people and an annual expenditure of $150,000,000, and its disastrous results, is striking and important.

From the time of the immigration after the Great Famine up to 1880 the Irish peasants had lain in a solid mass from the East River to the Five Points. By 1880 there were 150,000 of them there. Just north of them lay the German peasants — 100,000 more; and farther north and west hundreds of thousands more of these immigrants and their children — new peoples, in a strange land, groping darkly with new and strange conditions of life. In all, the European immigrants and their sons and daughters made three quarters of the city. These people — not the little froth of life in gay hotels and theaters and on Broadway — made the real New York — and make it still. For fifty years it has been a city of European peasants and their close descendants.

In the '80's the Irish slums on Cherry Hill and in the Five Points were as foul as any in the world. The population, after stewing in its tenements for thirty years, was down to the dregs — the weakest and the worst. Scores of tenement saloons, reeking "dead house" groggeries beneath the level of the sidewalks, and sailors' dance-halls, with names unspeakable, lined the streets; in every shadow bands of soft-fleshed young thieves — good, strong Irish peasant stock, rotted by the unhealthy city life — whistled and watched and waited for the drunken laborer reeling home by night. Out of this place twenty-five years ago came the most remarkable and probably the strongest politician in New York to-day.

A Charge and a Denial

In April, 1889, Inspector Thomas Byrnes, chief of detectives, who for fifteen years herded the criminal population of New York like sheep, asked the Legislature for a peremptory bill giving him power to arrest on sight all criminals whom he found in New York on the day of the Centennial celebration in May. After the bill had passed the Senate unanimously, he learned that it was being held up in the Assembly by a young slum politician

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"BATTERY DAN" FINN, MAGISTRATE

and assemblyman who owned a chain of saloons through the Five Points and the Bowery. Inspector Byrnes then made this public statement:

"Timothy D. Sullivan, better known as 'Dry Dollar' Sullivan, associates in New York with thieves and disreputable citizens. Peter Barry, one of the leaders of the famous Whyo gang, was one of his boon companions. Barry is now serving seven years in State's Prison. Tommy McAveny, general thief, is another chum of Sullivan. Some time ago, when Tommy Nichols and John Clark were arrested for burglary, Sullivan tried his hardest to get Cottrell, one of my detectives, to make it light for them. Sullivan also associated with Johnny Hand, Danny Lyons, James, alias Figs, Lyons, and Dan Driscoll, hanged for murder, and dozens of other criminals."

The professional criminal of that time, as appears from the list of names in Byrnes' statement, was Irish; his specialty was thieving, burglary, or crimes of violence. He was the product of an unfortunate time and place, heedless, dissipated, and quite unorganized.

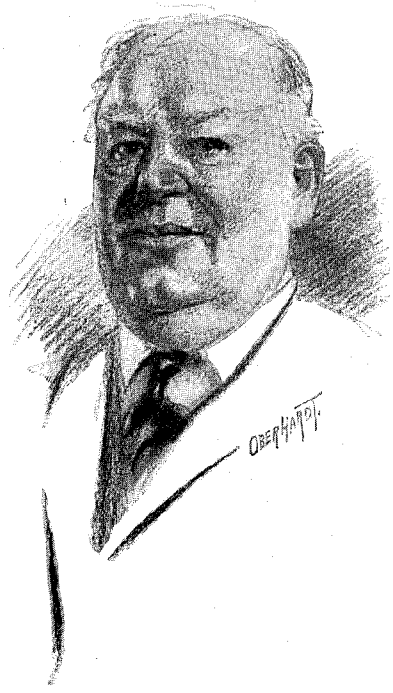
On the day after Byrnes had made these remarks, Sullivan arose on the floor of the Assembly and answered him, detailing his boyhood acquaintance with some of these criminals, and telling the story of his life. He said in part:

"If Mr. Cottrell or any other policeman says I ever approached him to make it light for any thief, he is a liar. If Inspector Byrnes says I did, he is a liar. . . . My father died when I was four years old, leaving me the second youngest of four children. My mother struggled along as best she could, but when I was between six and seven years old, not quite seven, I had to go downtown and help to keep the rest of us together—sell newspapers and one thing and another. . . . I can prove that since I was seven years old until the day before I came to the Legislature, I never lost two days' work in my life. Now, I do not think I have had much time to associate with thieves."

Sullivan's speech, delivered with great earnestness in the hoarse vernacular of the Five Points, was a novelty, and made a deep impression upon the Assembly. Strong Republican members shed tears in open session. Byrnes merely reiterated his charges, and said succinctly: "He defends the only days of his life when he made an honest living."

A New Kind of Politics in New York

Sullivan's own district did not accept his statements as literally as did the members of the Legislature, partly, no doubt, because it was familiar with the ordinary daily duties of a slum politician, which ninety per cent. of the members of the Legislature did not dream of. The constituents of these men are not interested in the tax rate, for they have no property. Hundreds of them in the course of each year face the sharp necessity of evading or escaping the penalties of the law. The local politician is the one who must negotiate this. The only



SHERIFF FOLEY

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question is how far he will go in doing it. In the '80's the professional thief was not generally thought of sufficient consequence to work for.

Sullivan represented most directly his own election district at Five Points, at that time perhaps the worst slum in the world. His chief saloon was opposite the Tombs Police Court. Policemen and court officials were in and out of it, and one of the clerks of the court was said to be a silent partner in the enterprise. The Five Points grinned at Sullivan's speech in the Legislature and were much pleased. It is familiar in the Bowery to-day. An old member of the Whyo gang of criminals, with whom Sullivan associated as a child, said less than three months ago:

"There was a new kind of politics started in New York with that speech. The politicians seen right after that that the man who was ready to come out and take a chance for us fellers would get the votes."

CHARLES F. MURPHY, LEADER OF TAMMANY HALL

Tammany Hall Loses New York

The real government of New York was then, as it has been a large part of the time ever since, in the hands of the Democratic organization of Tammany Hall. This body is governed by the thirty-five leaders elected by the Democrats of the Assembly districts of Manhattan and the Bronx. Each of these Assembly districts contains from 40,000 to 80,000 inhabitants — a good-sized city in itself. They are subdivided into election districts, in charge of the election district leaders, who get out the vote. In 1892 "Dry Dollar" Sullivan carried for Cleveland every vote but four out of 392 in his election district. In December Croker promoted him to be leader of the Bowery Assembly district, just north and east of his old Five Points election district.

In 1894 a catastrophe overtook the Democratic party of New York. For the first time since the Civil War the city elected a Republican mayor. The overturn was attributed directly to the disclosures of police scandals by the Lexow investigation. But the real underlying cause was a deeper thing; a great racial change in the population of the city had turned against Tammany Hall the natural balance of voting power by which the Democratic party had held the city.

From 1870 to 1890 two thirds of the voters of New York City were Irish and German peasants and their sons — persons who had never before been under a free representative government. The chief social centers of these two peoples were liquor saloons; and the owners of these saloons, who handled their votes,— first for American manipulators and political criminals like Tweed, and later for themselves,— delivered them in mass to the Democratic party. That party could split in two in the '70's and '80's and still carry the city.

But beginning with the '80's the great Jewish and Italian immigration, which has overwhelmed the two earlier races, began to pour into the city. These people, especially the acute and intelligent Jew, could not be handled by the old-time brutal, saloon-keeping Irish politician. The natural rule of the Democratic party in New York had come to an end. Tammany Hall, from that time on, was compelled to resort to an entirely artificial method of control. To do this it merely developed further the system of fraudulent voting by "repeaters" — men who vote repeatedly on false names — which the Democratic party had used for forty years in State and national elections, and in local contests between themselves. The new development of this came in the Bowery.

The Criminal Metropolis of America

The Bowery, when "Dry Dollar" Sullivan became its leader, was not a successful Democratic Assembly district. Its chief underlying business was then, as now, the furnishing of liquor, prostitution, clothes, and lodging to vagrants, thieves, and rough transient laborers.

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In the early '90's it had the worn, hang-dog aspect natural to market-places of this kind. In the middle of the '90's, however, all this changed. The Bowery had organized politically.

This organization was in two main divisions. The head gamblers and the merchants of prostitution, then, as now, were election district captains, who brought out the vote; and the vagrants, minor gamblers, and thieves furnished the voting "repeaters." The Bowery Assembly district was very soon the banner Democratic district of New York. Its peculiar business interests grew in direct proportion to its vote. Customers were robbed and assaulted boldly in its saloon market-places of prostitution. Western gamblers and swindlers commenced to

"MONK" EASTMAN
FIRST LEADER OF THE ORGANIZED JEWISH CRIMINALS

"KID" TWIST
SECOND LEADER OF THE GREAT JEWISH EAST SIDE GANG

work. Two men with thieves' names dropped in from other cities and established national headquarters for yegg burglars,— the most dangerous criminals of the present time,— who were then just coming into prominence. These men, it was found, made especially good "repeaters." The Eagles, a great national organization of sporting men, bartenders, politicians, thieves, and professional beggars, made Sullivan their head. And the Bowery became the recognized metropolis of American criminals, as it is to-day.

The New Politician from the Red Light District

About the same time another population of criminals was learning the lesson of political self-government. The stream of Jewish immigration, which started in the '80's, had concentrated itself upon the district just east of the Bowery, driving first the German and then the Irish inhabitants before it. In this new Oriental population were tens of thousands of adult males who were unmarried or had left their families abroad. A great opportunity offered itself for supplying this section with

PAUL KELLY
FIRST LEADER OF THE ORGANIZED ITALIAN CRIMINALS

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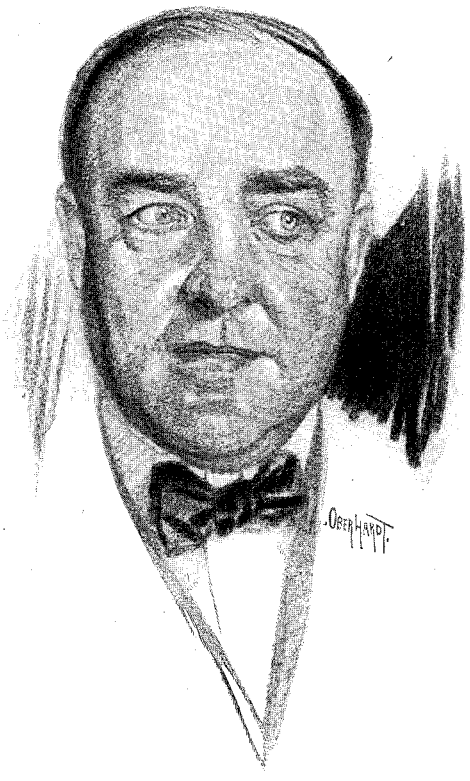
fifty-cent prostitution — which was taken up first by the region about the Bowery, and later by the members of the new population themselves. Once having entered into this business, Jewish commercial acumen developed it to great proportions. Starting in a small way in the late '80's, it grew until at its height a decade later at least three or four thousand men and women were engaged in it. By this time the place was notorious across the world as the Red Light district.

This Red Light district brought a new and very important Democratic politician into New York — the pimp, or retailer of women, who grew up in this district in numbers undreamed of in the previous history of the city. The active Tammany managers of this — the Eighth — district were large operators in the sale of prostitution. An organization of criminals, like that in the Bowery district, conducted the "repeating" and intimidation of voters at the polls. These men were in three separate groups — the pimps, led by a saloon-keeper, now an election district captain in the Eighth Assembly District; the gamblers, led by a gambler and ex-thief named Sonny Smith; and the thieves, led by a thief named Lollie Myers, now in Sing Sing. These gangs were used, at first, fully as much for the intimidation of the Jewish voter as for "repeating." The Jew makes the most alert and intelligent citizen of all the great immigrant races that have populated New York. He was a city dweller before the hairy Anglo-Saxon came up out of the woods, and every fall the East Side resolves itself into one great clamorous political debating society. In spite of all the efforts of the organized Jewish criminals in this district, it repeatedly gave a slight Republican plurality.



"BIG TIM" SULLIVAN

But if the Jewish criminals were not able to carry their district politically, they were by no means refused the reward for their services through Tammany influence. Their organization for the defeat of justice, called the Essex Market Court gang, was one of the chief scandals of the Lexow investigation. Its headquarters were in a saloon — operated first by a Jew who called himself "Silver Dollar" Smith, and later by Martin Engel, the leader of the district — which was situated opposite this court in much the same relative position as that of "Dry Dollar" Sullivan's old saloon to the Tombs Court. Here Sullivan appeared again. He was one of the strong political friends of the leaders in this district, and was publicly advertised as the vice-president of the Max Hockstim Association, the society of politicians, pimps, and thieves which was the leading social and political organization there.

Out of the Bowery and Red Light districts had come the new development in New York politics — the great voting power of the organized criminals. It was a notable development, not only for New York, but for the country at large. And no part of it was more noteworthy than the appearance of the Jewish pimp, a product of New York politics, who has vitiated, more than any other single agency, the moral life of the great cities of America in the past ten years.

The New Criminal Moves Out on the City

In 1898 Brooklyn, with a tendency toward Republican pluralities, was incorporated into New York City. In 1898 a Republican Legislature appointed a metropolitan election board to enforce against election "repeaters" new laws directed against the vagrant and the loafer; and under these laws that class of "repeating" has ever since been continuously cut down. In 1901 and 1902 the professional gamblers, who numbered as high as eight and ten thousand men at times during the Van Wyck administration, were thrown out of business by a reform movement. Thus Tammany

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Hall, having already lost her natural control of New York City, was now deprived to a great extent of both her oldest and her cleverest classes of "repeaters." At this time the new schools in the Bowery and Red Light Assembly districts, which trained criminals as "repeaters," assumed the great importance to the Democratic party that they have to-day.

Criminal life has its history — however unlikely this may seem from the stereotyped middle-class view-point — as certainly as any other rank in society. The Irish professional criminal — the bold and ugly burglar of the '80's — was already decadent in the late '90's. But the two new political criminal districts were made nurseries in crime for the children of the two new races of immigrants — the Eighth for the Jews, and the Bowery district for the Italians. The young children of these peoples were given primary criminal instruction, in many cases by the old Irish criminal. Little boys of ten and twelve were carefully trained as pickpockets in the Jewish district; and little girls of thirteen and fifteen started as prostitutes. Out of this training developed the two racial gangs of professional criminals that have replaced the earlier Irish type — the great East Side band of Jewish pimps and thieves and pickpockets, and the great Italian band of cutthroats and pimps who have their headquarters to-day in Chatham Square and in Harlem. Out of these two political-criminal gangs, with the various members of other races that have been absorbed by them, has come two thirds of the professional crime that has so alarmed the city of New York. In many ways these gangs stand in the same relation to New York as the notorious Apaches, composed of almost exactly the same kind of criminals, do to Paris.

JUDGE "FREDDY" KERNOCHAN

"When times are right," said a criminal a few months ago, "they go out every afternoon, just like mechanics goin' to work."

At about the opening of Mayor Van Wyck's administration in 1898, the big body of East Side criminals began to push its operations out of the comparatively bare field of the Jewish district. This was already badly overworked by the young thieves who swarmed on Grand and Hester streets, where even street-car conductors were trained pickpockets. So, with the return of Tammany Hall, the pickpockets one by one made their entrance into the rich general field in the Sixth Avenue shopping district. The more aggressive pimps placed their women in the rich general market-place of the West Side, notorious across the world as the Tenderloin, and in the large markets about Fourteenth Street, operated by active Democratic political workers in the vicinity of Tammany Hall.

The Forming of the Great East Side Gang

In 1901 popular disapprobation of the method of conducting the business of the Red Light district made it good politics for Tammany Hall to make changes there. Florence Sullivan, a manager of some of Timothy D. Sullivan's enterprises, was made leader of the Eighth Assembly District in place of Martin Engel. Mr. Engel retired from politics, and has not since been active in the politics of the district or the City. A new trend now developed on the East Side.

About 1898 there drifted into the district from the section of Corlear's Hook on the East River, long famous for Irish gangs of thieves and river pirates, a young Irishman, with a monkey-like face, who became known as "Monk" Eastman. He was a pimp, a thief, and a trainer and manager of young Jewish pickpockets. He had a staff of them, whom he sent out over the city to steal. In a similar way, he sent out decoy pigeons trained to lure the flocks of the East Side to his premises. He was also an ugly fighter, and not afraid to use a revolver — an accomplishment less common then than at the present time.

Before the election in the fall of 1901, in the Eighth District word was sent out to all the criminal population of the East Side that "Monk" Eastman was the sole leader of the election "repeaters," that every criminal was expected to be out early on election day and do his part, and that in return the politicians would stand for "anything but murder" from the criminals. At six o'clock election morning there were from ten to fifteen "repeaters" in line at every election booth in the district. That year the Democrats lost, but they never lost again.

From that time on the real history of the

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great East Side gang really began. It was something entirely new in the history of the city. Criminally considered, it was not a gang at all, like the old Irish gang, but a series of gangs. Yet the members of this series were bound together as a whole, generally with one leader. The reason was entirely political. The leader was the go-between — who offered votes to the politician, and who offered political protection in time of trouble to the criminal. The time had come, as an old criminal expressed it, when "the gang needed the politician, and the politician must have the gang."

"Monk" Eastman, Political Bandit

"Monk" Eastman was the first general leader of the East Side gang. He was first the agent who in times of need could always be appealed to by the criminal for political influence with the police or courts. In addition, he established himself, with a few followers, as a sort of licensed bandit on the East Side. He compelled thieves, gamblers, and operators of disorderly houses to pay him a share of their profits. He also furnished for hire small gangs of "strong-arm" men — to employers for assaulting strikers, to unions for assaulting "scabs," and to individuals to punish private grievances. He was arrested dozens of times — once for murder, and frequently for serious assault; but he always escaped. In July, 1903, when arrested on the charge — which first gave him general city-wide notoriety — of having led a band of hired thugs in brutally assaulting a coachman of David Lamar, at Long Branch, New Jersey, he exclaimed to the policeman taking him:

"You're arresting me, huh? Say, you want to look where you're goin'. I cut some ice in this town. I made half the big politicians of New York."

A State senator, "Tom" Grady, defended Eastman, and he was acquitted, as usual. But in April of 1904 he was arrested for robbery and shooting at officers in the great city highway of Forty-second Street, and the evidence was such that he was sent to prison for ten years. He had relied once too often upon his political influence.

The Life and Murder of "Kid" Twist

Eastman was succeeded as chief of the East Side criminals by a much more acute leader — a hatchet-faced young Jew called "Kid" Twist. Eastman could be counted upon for some four or five hundred "repeaters." Twist could easily raise double that number — each man being good for from five to ten votes at election time, and from ten to twenty at primaries. Under Twist the East Side gang assumed its present position — the strongest in New York.

Twist organized the tribute from the district on a calm, cold-blooded business basis, one particular stroke of commercial genius being to compel all the small refreshment and confectionery stores of the district to buy a so-called celery tonic, which he manufactured. Those refusing his demands he punished by breaking up their establishments, and — according to well-settled general belief on the East Side — by murdering them. At least two murders on the East Side are taken for granted, by every one familiar with conditions, to have been directed by him, though probably carried out by a lieutenant. He was arrested for both of these murders and for dozens of other offenses, but, like Eastman, was always discharged. After ruling for four years, without one practical interference by the law, he was finally executed, according to the unwritten law of the criminal gangs, on May of a year ago. He and his lieutenant, "Cyclone Lewis," were shot and killed at Coney Island by Louis Poggi, a member of the Italian Five Points gang located south and west of the Bowery. Twist is believed, by those in a position to know, to have left a fortune of from $50,000 to $100,000 accumulated during his leadership by his careful business management. Such things as this occur in a city like New York only through a political license to commit crime.

Tammany and the Black Hand

Sometime last year, a few months before the killing of Lieutenant Joseph Petrosino of the New York police force by so-called "Black Hand" criminals in Italy, a skilled Italian criminologist was brought to New York to study the question of Italian crime in this city. This man made a report on the subject to Professor J. W. Jenks, a member of the special immigration commission now working under Congressional authority. In this report he said:

"Another thing that must be considered is that many of the most desperate Italian criminals, after living in America a short time, associate themselves with some political gang, for which they do work and receive in exchange unlimited protection. I have heard very often, in the case of a narrow escape from a criminal conviction: 'Nothing doing against him. He is a Tammany man.' The infamous Paul Kelly and Jim Kelly, notorious gang leaders on the lower East Side, are Italians associated with political gangs, and prove this assertion."

The Italian criminal gang sprang up — as did the Jewish — in connection with the development of a large new market for prostitution.

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The great Italian immigration had established in New York City by 1901 a population of some 250,000 persons of the peasant laboring class, including the second generation. Eighty per cent. of these immigrants were males. The great centers of this population were in the tenement section, in "Dry Dollar" Sullivan's Assembly district, just east of the Bowery, and in the old-time Irish Second Assembly District just south. A large business in Italian prostitution was started in Sullivan's district. In this the young second-generation Italian criminal developed along somewhat different lines from the Jewish criminal in the Red Light district. The Italian tended toward rougher crime than the Jew — such as robbery by violence and threats of violence.

In the last of the '90's a young Italian named Antonio Vaccarelli made a reputation in a small way as a prize-fighter. After the common custom of both the Italian and Jew of his class, he assumed an Irish name — Paul Kelly. This man was interested to some extent in the sale of prostitution. He made his headquarters in various disorderly places in the Italian criminal section east of the Bowery, and secured a large following of young Italians from the Italian criminal section, by forming so-called athletic clubs, which gave disreputable dances. In a short time Kelly became the leader of the Italian criminal and semi-criminal class in the Sullivan district, and was capable of getting out a considerable number of "repeaters."

The Red Lights Come into the Fourth Ward

The first marked triumph of the gang of Italian "repeaters" came in the fall of 1901, when Tom Foley, now sheriff of New York, decided to run against Paddy Divver, the old-time saloon-keeping Tammany leader of the Second Assembly District. Foley was vigorously backed by Big Tim Sullivan. The issue made by Divver was expressed on banners hung across the streets of the district:

"Don't vote the Red Lights into the old Fourth Ward."

The Second Assembly District primary of September 17, 1901, is famous as one of the most savage political fights in the barbaric political history of the Democratic party of New York. It was the last stand of the old-time type of Irish peasant saloon-keeping leader in the old Irish immigrant stronghold of New York. The old order was overwhelmed by the new. The new "repeaters"—largely young Italian criminals—swarmed over the line from the Sullivan Bowery district. The polls opened in the afternoon; as early as two o'clock in the morning the lines of the invaders formed before the polling places. They were thoroughly drilled. A regular commissary department furnished them with breakfast and luncheon, whisky, cigars, and even benches to sit on. The old-time Irish residents and "repeaters" howled with impotent rage. They were outnumbered, held back from the polls, and in many instances calmly blackjacked. The police did not interfere. And the final vote was over three to one for Foley. Soon after this the prophecy of the Divver banners was fulfilled. A large business in fifty-cent prostitution for Italians was started in the Second Assembly District, employing from 750 to 1000 women. There had been a market for sailors in this section — rough, drunken, hardened women hanging over half doors. This was falling away with the dying of the trade of the old clipper ships. The new institutions were different; nothing disorderly; merely the slight and pathetic figure of a shawled Italian girl standing in the doorway of rickety old-time brick residences.

The Rise and Abdication of Paul Kelly

Immediately after the success of the Foley-Divver primaries in the Second Assembly District, Paul Kelly, the leader of the Italian gang, was arrested for assaulting and robbing a man on the street. The case was so flagrant that his discharge could not be effected; but it was so manipulated before it came to sentence that for an offense that should have cost him from ten to twenty years, Kelly got nine months. Recorder Goff, in sentencing him, said:

"The conduct of the police in this case was shameful. They discharged the defendant in the face of all the facts. It shows an absence of honesty and good faith on the part of the police. It was not until you [Kelly] had committed another assault that they were shamed into making an arrest. You should have been convicted of highway robbery. Instead you were convicted of assault only."

Kelly, at the end of his brief sentence, started in earnest to build up his Paul Kelly Association. This included not only thieves and pimps, but occasional criminals in such rough laboring classes as the teamsters. It had branches in Harlem and New Jersey, and at one time Kelly claimed to have two thousand members. This was no doubt an exaggeration, but at the height of his power Kelly could unquestionably furnish a thousand "repeaters" in cases of emergency. Kelly pointed with pride to the fact that Timothy D. Sullivan — "the Big Feller," as he was now generally called — was an honorary member of this association.

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Meanwhile, Kelly received sufficient financial backing to obtain and operate a vile saloon on Great Jones Street just west of the Bowery, probably the most notorious place in the city at that time. He ruled the gang from here until 1905, when dissension arose in his following, and the southern end of it split off entirely and formed the Five Points gang, with rendezvous in Foley's Assembly district. Two attempts were made to kill Kelly on two consecutive nights in the last of November, evidently by the seceders. In the first, "Eat-'em-up" McManus, Kelly's "bouncer," was murdered, and in the second a youth named Harrington — the latter in Kelly's saloon. A patrolman, passing on his rounds in the early morning, when the place was usually full of light and noise, saw it dark and deserted. He entered it, and found the legs of the dead man sticking out of a closet. The only semblances of life in the big silent room were a lurking cat, a loud-ticking clock, and the usual huge portrait of "the Big Feller" — which appears like a bland heathen divinity on the walls of all the Bowery dives — glooming out into the dark.

Kelly's place was closed immediately after this by direct orders of William McAdoo, the Commissioner of Police. He moved his enterprises to the Little Italy colony in Harlem, which had now reached great size, and his power over the Italian gang in the southern end of the city was split up between the various leaders of the notorious Five Points gang — Jack Sorocco, Chick Tricker, Jimmy Kelly, and others, whose saloons have taken the place of Paul Kelly's as headquarters for the election "repeaters," and as most notorious marketplaces for vice.

A New Spectacle in Popular Government

This is the history, roughly outlined, of the two great tribes of criminals who furnish the nucleus for the gangs of trained "repeaters," with which the element now ruling Tammany Hall controls the city of New York. These two gangs could probably not furnish at best over 2500 "repeaters," or 20,000 illegal votes, at the most strenuous election; while Tammany undoubtedly gets 50,000. The old method of voting the zealous officeholder, or the venturesome vagrant, or saloon dependent, or such gamblers as are still at work or hope to get to work in the city, is naturally still in operation to a considerable extent. There are plenty of other smaller gangs of "repeaters," too,— like the Irish gang of "Humpty" Jackson in the East Side district of Charlie Murphy, leader of Tammany Hall; and the similar gang in the Irish tenement district on the West Side; and the large gangs of inter-State "repeaters" brought in from New Jersey and Philadelphia. But all of these — local and foreign — gravitate naturally toward the rendezvous of the two great local gangs below Fourteenth Street, the recognized centers of both the criminal and the illegal voting population of New York and its vicinity.

No stranger spectacle has ever appeared than the present organization of this criminal population of New York as professional fraudulent voters. The two thirds of a million registered votes of the city are divided so closely along conventional party lines that only a slight balance is needed to secure control of the government. This balance is furnished by these organized criminals, trained to manufacture fraudulent votes at elections and primaries. And by this means not only the city but the party organization is held in absolute control. The government of the second largest city in the world, when the system is in full working order, depends at bottom upon the will of the criminal population — principally thieves and pimps. The eighteenth-century governments founded on mercenary troops offer mild examples of social decadence compared with this.

The Fine Art of "Repeating"

The work of these "repeaters" is done on a most elaborate and careful system. If they are captured and convicted, they are sent to prison. So, in the first place, they can be voted only in very strong Democratic districts, where the Republican half of the election officials are weak or complaisant. To insure absolute freedom, in several of the Assembly districts of Manhattan the Republican district organization is elected by Democratic "repeaters." And in all of the so-called "gorilla" districts there are specialists, sometimes election district captains and sometimes not, who make it their business to negotiate for this vote, plan its schedules, and see that individuals arrested at the polls are bailed and in every way protected from the law. Although thousands of "repeaters" are operating at the polls in Manhattan every year, the average annual number of persons convicted in election cases for the past nine years has been fifteen.

In general, registration or voting by "repeaters" proceeds along these lines: Between the heads of the Assembly district and the leaders of gangs, an estimate is made of the number of "repeaters" to be furnished. The "repeaters" are then gathered at some central place — often the Assembly district club-house — and sent out through the election districts in

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squads of ten or twelve under a lieutenant. This lieutenant has some token or "high sign" — a peculiar button or a motion of the hand — to show to the election district captain. All business is transacted between these two men.

This voting proceeds on a regular schedule. In the morning the fictitious registration is usually voted, with those names of residents who have died, moved, or gone to jail that it has been possible to get past the Republican board of elections. In the afternoon there is a general clearing up of the registration that has not previously been voted on. There are innumerable stories of the boldness of these "repeaters." For instance:

Some years ago a middle-aged man, who is now an assemblyman from the East Side of New York, was standing in the line before an election booth, when he was startled to hear the man just ahead of him — a youth of some twenty years — demand a ballot in a familiar name.

"Here," said the assemblyman, "that's my father's name."

The husky youth turned, glaring down upon him, then kicked him sharply in the shins.

"Shut up, you fool," he said hoarsely, "don't you know your own father?" He then proceeded to vote.

The New Order in Tammany Hall

The advantage of having clean-cut, intelligent criminals ready "to take a chance" at beating the growing complexity of the election laws, was immediately apparent to men who had hitherto depended for this work upon the hazy-minded vagrant and drunkard. By 1902 every election district but one in the great East Side tenement section below Twenty-sixth Street — with its half million of population — was a so-called "gorilla" district. There were many new leaders. In 1900 William Sohmer, an old-time German leader, was replaced by a Jew named Julius Harburger, backed by the Sullivan interests, in the Tenth District; in 1901 Foley, assisted by Sullivan, beat the old-timer Divver in the Second District; Florence Sullivan succeeded Martin Engel in the Eighth; and Big Tim Sullivan was succeeded by his cousin, Little Tim, in the Sixth. In 1902 "Battery Dan" Finn succeeded the old-time Democrat, M. C. Murphy, in the First District — Italian "repeaters" from the Sullivan and Foley districts figuring largely in the primaries.

The allied leaders of the big "gorilla" districts were now the most powerful men in Tammany Hall. Not only were they furnishing the strong Democratic majorities to an organization that was famishing for votes, but within the organization they themselves were men to be feared. The big gangs in their districts could and did swarm out and overwhelm the local gangs of other Tammany leaders who were displeasing to them. The matter came to a head in the fall of 1902, when Charlie Murphy, the present leader of Tammany Hall, was elected. The "gorilla" districts, including his own, held the balance of power that chose him. In the convention that elected him, his own district was denounced for sending out "repeaters" to carry another district against a leader who was the head of the opposition. A new management, founded definitely on the "repeating" criminal, had begun in Tammany Hall. The following year it voted itself again into control of the city.

The Mysterious "Big Feller"

It was at this time that Big Tim Sullivan began to take his present strange position in New York politics as the mysterious "Big Feller," looming up in the dusky background of the city's life; not connected in any direct way as manager of a Tammany district, yet probably the strongest politician in Tammany Hall, excepting none. His word is law to thousands; and his mere appearance on the street in company with a man establishes that man's credit and reputation solidly with the lower political world of New York. But usually he keeps himself aloof, sees few people, does business by word of mouth only, and is represented by half a dozen lieutenants, business and political. Only occasionally does his name come to the surface in the business world — connected with a chain of salacious theaters, with penny slot-machines, with moving-picture enterprises, with race-tracks. But whenever business is mentioned he quickly draws back out of public sight.

He never neglects the Bowery, however. Once a year, at Christmas time, he feeds and shoes the professional vagrant — "the poor, unfortunet fellers" — who, with the "unfortunet woman," forms the chief stock pathetic theme of the Bowery politician, as characteristic as the patter of the professional beggar. In the State Senate, where he now is, he introduces bills for a Columbus holiday, to the great pleasure of his Italian constituents; and bills to remove clubs and blackjacks from the police, in which the vagrants and criminals are much interested. He believes that local politics offer a larger field than national, having withdrawn voluntarily from Congress.

"There's nothing in this congressman business," he is reported to have observed on retiring. "They know 'em in Washington. The

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people down there use 'em as hitchin'-posts. Every time they see a congressman on the street they tie their horses to him."

The Chief Issue in New York Elections

In 1897 Tammany had won the election of the first administration of Greater New York by the foolish splitting of the anti-Tammany forces; in 1901 she was beaten by Fusion; in 1903 she elected McClellan by a 63,000 majority. The chief issue in 1903, as in every election in New York, with one exception, for the past fifteen years, was whether there should be a "wide-open town"— that is, whether vice and profitable crime should be allowed in the city. The criminal interests, which worked vigorously for McClellan — if they did not really elect him — expected that the McClellan administration would give them an opportunity to carry on their lines of business.

As it happened, the McClellan administration did nothing of the sort. William McAdoo, the Police Commissioner of the first term, although deceived by many of his assistants,— as most honest police commissioners, not in any way excepting ex-President Roosevelt, have been,— did make a conscientious effort to clean the city. It is verbal history in the Police Department that his work against the criminal gangs of the East Side was an opening wedge in the break that came later between the Mayor and his former supporters.

In the second administration — in spite of the certainty that McClellan's 2791 plurality over Hearst was cast twenty times over by professional "repeaters"— his Police Commissioner, General Theodore Bingham, was still more aggressive against the criminal element than McAdoo. Added to this was the fact that the District Attorney's office under Jerome — contrary to past custom — was making an aggressive campaign to do its duty in prosecuting crime. There were lapses from absolute efficiency in both organizations, but in general the politicians were not able to use these two agencies of the law as the instruments of evading the law. Their activity was thus transferred to the last avenue of escape, the minor criminal courts of the city, and the fact that the avenue afforded in this direction was so large was no doubt partly responsible for the appointment of the so-called Page Commission by the Legislature to investigate conditions in these courts.

A Puzzle for the Criminal

The only practical way of considering professional crime is to view it from the standpoint of the criminal. At bottom it is merely one method of getting a living, and the criminal always sees it as such. As a matter of fact, civilizations develop professional crime exactly as they develop all business. New conditions create new opportunities. In the past decade bank burglary has died out, killed largely by the electrical protective devices and by private police systems. The great natural developments have come along the lines of the retail sale of prostitutes, and of small burglaries and picking pockets.

The chief factor that makes criminal business profitable or unprofitable, and closes or opens fields of enterprise, is the pressure of the law. From the viewpoint of the professional criminal it is a curious fact, to which he cannot reconcile himself, that the most serious and effective laws in the past ten years have been directed against offenses that he cannot understand to be criminal at all, such as prize-fighting and gambling on the horse-races; while, with one exception, the laws against selling prostitution are a joke. It is not possible, for instance, to punish any man for the most degraded of all crimes, according to the social code of the criminal world,— that of living on the earnings of a prostitute,— by more than six months in jail; quite aside from the fact that it is almost impossible to punish these men at all. The same is true of all dealers in prostitution and all prostitutes. The result of this ill-balanced criminal code is that the criminal himself is forced into business that he considers beneath him. This has been especially true of gamblers. Since the enforcement of Governor Hughes' excellent bill against race-track betting last year, many men who formerly earned their living on the race-track have become pimps.

A Purely Political Business

Prostitution, the present mainstay of the criminal class in New York, is now almost entirely a political business; that is, its affairs are conducted almost exclusively by men who are active lieutenants or "repeaters" at the polls for the Democratic organization. This has come about by a perfectly logical development. For years this business was conducted in New York — as in most American cities — in large private houses. These were closed up, first by the breaking up of the Red Light district by the Low administration, and later by the raids of the District Attorney's office upon the Tenderloin in 1907. The women were necessarily driven upon the streets, or into notorious saloons.

Since the early '90's a large part of the women in houses had practically been owned by the French maquereaux — importers of

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Frenchwomen from the international wholesale markets for prostitution in Paris. These men had no direct connection with New York politics; many of them could not speak English. In a business that required continual political influence they were constantly worsted by their business rivals — the native-born Jewish and Italian operators who had strong political influence as "repeaters." The raids of 1907 were a last severe blow to the Frenchmen. They were unable to afford proper political protection to their women when they were exposed to the vicissitudes of work on the street, and they moved out in large numbers. An expert criminal in this line stated recently that of over four hundred Frenchmen whom he knew personally in the Tenderloin before the 1907 raids, not one hundred are active now. Their business has been taken over by the Jewish and Italian operators, who now form respectively something like two thirds and an eighth of the men in this business here.

An interesting incident in connection with this business happened only recently. After leaving the Red Light district, the social and trade organization of the Jewish dealers in prostitution — the New York Independent Benevolent Association, whose membership is restricted to Hebrews — established its clubhouse on Second Avenue, in Coroner Harburger's Assembly district, where the great settlement of this class of traders still exists. Within the last few months the New York State Commission of Immigration has had occasion to investigate the affairs of this society. At the opening session Harold Spielberg, the Democratic assemblyman from the Tenth District, appeared as the attorney to defend them.

The large dealers in prostitution — the owners of the notorious saloon market-places — are still more clearly political workers. Practically all of the saloons and so-called hotels in the large cheap market around Chatham Square and the Bowery are in the hands of men who are active political workers, or leaders of gangs of election "repeaters"; on Fourteenth Street the same condition exists; and in both of these markets, the hangers-on and waiters, who are generally pimps, are active "repeaters." In the large markets in the Tenderloin more of the owners contribute money than active work to the political campaigns, but the waiters are in exactly the same position as those in the other districts, as, in fact, they are throughout the town, as far as Coney Island. Election and registration days see a scanty outfit of waiters in the lower places of amusement in Coney Island, or, in fact, in any of the notorious saloons in New York City.

A Court Dealing with 150,000 People

The operation of this great criminal business, in which, directly or indirectly, certainly from 10,000 to 20,000 persons are engaged in New York City, depends clearly upon the law, and upon its interpretation by the local criminal courts. The relations existing between it and these courts, as revealed by the hearings before the Page Commission, necessarily constitute a matter of great public interest. The lowest court of these — the magistrates' court — has entire charge over the offense of prostitution, which, under the archaic law of New York, is classed as a minor misdemeanor.

This magistrates' court constitutes one of the most extraordinary and important institutions of New York. Last year, before the magistrates of Manhattan and the Bronx alone, there were 175,000 arraignments of not less than 150,000 individuals — as many people as live in the large cities of Denver or Toledo. There are sixteen magistrates — eight of whom are sitting at one time in the nine courts that take care of this business. The time allowance for the hearing of each case averages a little over six minutes; court clerks quote an unofficial record of one hundred cases disposed of in one hundred minutes; and the official records show from three hundred to four hundred cases in one session of the night court. Perhaps nowhere in the world is there such an example of slap-dash judicial action as must necessarily be given by these judges. The amount of business thrust upon them is a scandal in itself. The ease with which minor court officials, like court clerks, with political affiliations, can minimize offenses, or mislead a judge dealing with this amount of business, needs no explanation.

A Crime that is Practically Licensed

For the period of a little less than six months, extending from June 5 to November 28 of last year, the New York Police Department made a compilation of statistics from finger-print records of the prostitutes arrested and brought before the magistrates' courts from the Tenderloin police precinct, covering the territory between Twenty-seventh and Forty-second streets north and south, and between Fourth and Seventh avenues east and west. Twelve hundred and twenty-eight individual women of the street were arrested in that comparatively small territory. The total number of arrests was 3145. These women arrested were, with negligible exceptions, perfectly well known to the police, who naturally never take the chance of arresting a woman who may be innocent.

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The magistrate dealing with these cases, if he finds the defendant guilty, has the option of imposing a small fine or a short imprisonment. Of the 3145 cases recorded, only 411, or 13 per cent., were given prison sentences. The rest, all but a small number, were either discharged or fined from one to ten dollars, and turned loose immediately upon the streets. Further figures indicated that of the 13 per cent. who were sentenced, at least a third who should have served from twenty days up, under the law, as previous offenders, really served the minimum of five days. In brief, the general result of the law as administered by the present board of magistrates and carried out by the workhouse management under a well-known Tammany leader, was that prostitution was practically licensed in New York by the payment, two or three times a year, of a fine of something less than one night's earnings. Only once in seven times did the woman arrested receive the only punishment that seriously annoys her — that of going to the workhouse; and only once in fifty did she serve a sentence of over five days' duration. This, of course, refers only to the women who were so unfortunate as to be arrested. The police believe that these did not exceed half of the women in this district, which covers only one section of the Tenderloin.

The Magistrate and the Streets

Practically all of these cases now come before the night court, where each magistrate has taken his turn at sitting. The number and conduct of the women in the streets of New York depends entirely upon what magistrate is sitting in the night court. There are two Tammany leaders of Assembly districts who are police magistrates — an ex-rough, known as "Battery Dan" Finn, and J. J. Walsh, a former attorney for the strongly organized retail liquor dealers' association. When these two men are on the bench of the night court, the streets swarm with prostitutes.

The reason for this is shown clearly by the official figures of the Police Department concerning the arrests of 1908 in the Tenderloin police precinct. These show 147 cases brought before Judge Finn, and four sentences of imprisonment. Judge Walsh had twenty cases and one imprisonment. On the other hand, when the bench was occupied by two judges who gave severe workhouse sentences — Judge Corrigan, who sent two thirds of his cases to the workhouse, and Judge Cornell, who sent one third — the streets were comparatively clear of women.

It is a rather notable fact that while the magistrates' bench as a whole has proved far from serious to the prostitute, the prostitute has proved very serious to the magistrates' bench. During the past year, 1908, two of the sixteen magistrates in Manhattan and the Bronx were involved in public scandals connected with cases of prostitutes which appeared in New York courts. One of these men was removed by the Appellate Court, and the other resigned.

It is not difficult to trace the main political chain that extends from the smallest political worker interested in the sale of prostitution up to the judge's bench. The Mayor of New York — who is said to appoint more judges than any other man in the United States — has in two thirds of the last twenty years owed his nomination and election to the active vote-getting machinery of Tammany Hall. Three quarters of the present board of magistrates were appointed by Mayor McClellan, most of these in the earlier days of his mayoralty, when he was closer to Tammany Hall than now.

A Criminal Never Convicted

Now, if the interests of the prostitute are excellently safeguarded under the administration of the law by the magistrates' courts, the business of her political protector, the pimp, is doubly secure. At most he is only subject to a six months' penalty as a common vagrant. But, practically speaking, he can never be arrested at all, because the only valid evidence against him must come from the woman who supports him, who neither desires nor dares to testify against him. There are thousands of these men in New York, and their convictions do not reach a score a year. The matter can be summed up best in the testimony of Police Commissioner Bingham before the Page Commission:

"We cannot get these men. If they could be caught, the whole 'white slave' trade would drop, and the whole social evil be intensely ameliorated, because these men work in a regular trust."

To this might be added that no local authority ever "got" these men, and that the only successful prosecution of them, and the only one they ever feared, has been that started by the Federal authorities in Chicago and New York during the past two years. The local politician has as yet no influence with the Federal courts in favor of prostitution. He delivers no important part of the votes that choose the Federal authorities.

The business interests of this particular class of "repeaters," it will be seen, are well conserved by the actual working of the law. The

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disorderly saloon business, conducted by the leaders of "repeaters," and by the various Tammany election district captains and other district politicians, comes in contact with another court — the court of Special Sessions, whose members are also appointed by the Mayor, but who sit three at a time instead of singly in handling their work.

Saloons Punished, One Fifth of One per Cent.

The disposition of all cases against liquor dealers by this court — and practically all criminal cases against New York saloons come within its province — has long been familiar as one of the most notorious perversions of justice in the city. The court is overcrowded with work, and by a settled policy the consideration of saloon cases is delayed until after other business. In addition, the clerk of the court, a Tammany Assembly district leader, C. W. Culkin, who recently resigned after having been charged by District Attorney Jerome with the improper handling of court funds, has had charge of making out the calendar. The assistant clerks under him, who do the active work, have exercised their power of postponing cases, or otherwise interfering with the court docket, to such an extent that two officials have been removed for this cause during the past year. One of the present judges on this bench is Lorenz Zeller, a former attorney of the powerful New York brewers' association.

The practical operation of the machinery of justice against saloons concerned in offenses against the excise laws of New York was strikingly shown before the Page Commission by F. W. Stelle, a lawyer of the State Excise Board, who presented the actual figures in the cases brought against New York saloons in 1907. There is only one penalty that interests the saloon-keeper — the forfeiture of the unexpired term of his $1200 annual license, which results after convictions of a certain class in the city courts. During the year from May 1, 1907, to April 30, 1908, there were 2857 arrests, at 2026 saloons, which came before the courts. Among these there were twenty-two cases — all but four of disorderly houses — where there were forfeitures of licenses; of these, seventeen came in cases which were so delayed that the conviction took place in April, when the license had but a few more days to run. That is to say, out of the brave showing of 2857 arrests under the excise law, only five, or less than one fifth of one per cent., received any punishment of the slightest consequence.

Criminal Courts Useless Against Political "Dives"

Several excellent organizations are concerned in prosecuting cases against disorderly saloons in the hope of cleaning up the city. One of the most important of these is the Committee of Fourteen, which has directed its efforts against the places known as Raines Law hotels. The secretary of this, F. H. Whitin, presented to the Page Commission a table showing clearly the method by which offenders of this class evade the law by having their cases postponed in the Special Sessions court until the forfeiture of their licenses means practically no loss to them. In the year from October, 1906, to September, 1907, the average delay, from the time of the holding of the defendant by the magistrate until the trial in the Special Sessions court, was 156 days, over five months, of which delay more than four months occurred in the Special Sessions court itself. There were 52 cases that were tried by Special Sessions; four licenses were suspended, and seven persons — all employees — received prison sentences. Not one proprietor was sentenced. All these prosecutions, it must be remembered, were against the most flagrant violators of the law in the city.

One chief reason for this failure of justice may be best shown by two particular, typical examples. The first of these was in the case brought last year against the saloon at 128 Park Row, run by Jack Sorocco, one of the chief leaders of the Five Points gang of "repeaters." This saloon is perhaps the worst in New York, as familiar an object in the life of the Second Assembly District as the Flatiron Building is in the region about Madison Square. When action was brought against it last year in the Special Sessions court, Alfred E. Smith, the assemblyman from this district,— who, oddly enough, is a member of the Page Commission for investigating the New York courts,— came forward to state to the court that from his knowledge there must be a mistake in the charges against the place and its proprietors. The case was then dismissed. In the second case, against the notorious hotel at 23 Bowery, for a dozen years the headquarters of thieves and prostitutes, the politicians in the Sullivan district became so insistent in their demands for dismissal that the judges were constantly summoned from the bench to answer telephone calls asking that the prisoner be set free.

Finally, as a result of the persistent failure of energetic efforts of the Police Department and other agencies to secure justice against the most notorious market-places of prostitution in

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New York, actions in cases of this class have been transferred bodily from the criminal to the civil courts, where conviction also carries with it the forfeiture of the saloon license and the bond. In other words, the system of criminal courts having proved itself utterly useless in dealing with this class of crime, the police and State officials have been driven to a legal subterfuge in another court in order to maintain decent conditions in New York City.

The Modern Organization of Thieves

The organization to prevent the administration of justice in the second general class of crimes in which "repeaters" are engaged, proceeds along different lines. These crimes — of thieving and robbery — constitute felonies. They are passed from the magistrates' court to the grand jury and the court of General Sessions. In this last court they are given jury trials under single judges, who are elected by popular vote. All but one of the present judges are Tammany Hall nominees. Their natural obligations to their party weigh little with some of them, but greatly with others.

It is not generally realized how thoroughly organized for defense certain large classes of criminals are. The statement, for instance, of Magistrate Corrigan before the Page Commission, that "one attorney comes pretty near representing all the good pickpockets in New York," would not seem probable to the average man; yet it is certainly true. It is also a notorious fact that in the four busiest magistrates' courts of the city there are professional "fixers," well known by name or nickname to every one familiar with New York courts, whose business it is to pervert justice by reaching the complainant, witnesses, police or court officials, through one means or another. And in a class above these stands a notorious East Side Jew, ostensibly a diamond merchant, who is a "fixer" on a national scale, traveling across the country to help big thieves whenever they are in trouble. Professional crime, like all other lines of enterprise, is compelled, by the great modern tendency of business, to organize. It has done so as thoroughly as it could.

There are seven distinct lines of defense to which, in New York, a trained felon can resort to escape imprisonment. The first is the suppression of testimony of either complainant or witnesses, or the manufacture of false testimony. The others are the use of money or influence with the police, with the magistrates' courts, the grand jury, the District Attorney's office, the petit jury, or the presiding judge. In every Assembly district in the criminal sections of the city, there is some agent of the Democratic political machine, watching continually to help the criminal escape justice at every stage, from the magistrates' court up.

One Thief in Three Set Free

It would be impossible to deal with all these barriers to justice; but in the last one — the action of the General Sessions judge on the case — there has been a striking development during the past decade which deserves notice. This comes in the form of the suspended sentence. Ten years ago the suspension of sentence on a convicted felon was unusual in New York courts. This condition has now entirely changed.

During the past four years alone the number of persons convicted for violent assault, burglary, and larceny, who have been released on suspended sentence, has trebled. In 1908 one person, out of every three who were convicted for those crimes, was released on a suspended sentence. As this court has no adequate means of keeping control of the hundreds of persons it has released on suspended sentence, this release now amounts to acquittal in the case of all but the most repentant of offenders. It may be added that these particular crimes not only are the principal ones that now concern the City of New York, but that they are the especial crimes in which the Jewish and Italian professional criminals are concerned.

Now, the release of many of these criminals — especially the young first offenders — is undoubtedly in many cases an excellent thing. There has been a very general movement in this direction throughout the country. But this practice certainly cannot be defended in cases of second offenders, whose release is, in fact, specifically forbidden by the State law. Yet there are many such releases.

Convicted Criminals Double in Eight Years

The vicious circle of New York politics is closed by this notorious laxness of the criminal courts toward the professional offender. The safer the crime, the more criminals; the more criminals, the more votes for the element that now rules Tammany Hall; the more votes for these leaders, the more certainly they influence the maladministration of justice. From the election district captain, who signals the criminal into the polling booth, to the district leader on the bench or at the head of the workhouse or the court machinery, the hand of not one Tammany politician touches the machinery of justice but to retard or pervert its action.

And so, although all the forces of the Police

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and the District Attorney's departments are bent to check the recurrent "waves of crime" that fill the newspapers, crime increases. In the past eight years the number of persons convicted for burglary, assault, and larceny on Manhattan Island has doubled, while the population has increased less than twenty-five per cent.

In the meanwhile, all kinds of cures are cried aloud to the public for its defense, except the obvious one — the checking of the operations of this ghastly merry-go-round of politics. More police, more jails, more private organizations to enforce the law are desperately called for. No one arises to draw the logical connection between the safety with which crime is committed and the increase of the criminal population; or to point out that under existing laws, as administered by New York courts, the pimp is entirely safe, the prostitute has a one-in-fifty chance of punishment, the market-places of prostitution and headquarters for criminals have been practically immune; and that of all persons arrested for burglary or thieving, one in four is convicted and one in six imprisoned.

The Great Larry Mulligan Ball

Yet open advertisement of the exact condition of affairs is continually slapped in the face of the public. The Lawrence Mulligan Association, for example, the political club of Big Tim Sullivan's step-brother, with its annual tribute from the city's criminals and prostitutes at its "grand civic ball"! No other single episode could comprehend the whole situation like this.

That night — the eve of St. Patrick's Day — the streets of the Tenderloin lie vacant of its women; the eyes of the city detective force are focused on the great dancing-hall — stuffed to the doors with painted women and lean-faced men. In the center box, held in the name of a young Jewish friend, sits the "Big Feller" — clear-skinned, fair-faced, and happy. Around him sit the gathering of his business and political lieutenants, of the heavy, moon-faced Irish type — the rulers of New York: Larry Mulligan, his step-brother, the head of this pleasing association; Paddy Sullivan, his brother, the president of the Hesper Club of gamblers; John Considine, business associate, owner of the Metropole Hotel, where the "wise ones" gather; Big Tom Foley; and — an exception to the general look of rosy prosperity — Little Tim, the lean little manager of the old Third District and leader of the New York Board of Aldermen.

The council unbends; it exchanges showers of confetti; the "Big Feller" smiles gayly upon the frail congregation below him — the tenth short-lived generation of prostitutes he has seen at gatherings like this since, more than twenty years ago, he started his first Five Points assembly — he himself as fresh now as then. In the rear of the box a judge of the General Sessions court sits modestly, decently, hat in hand. In the welter on the slippery floor, another city judge, known to the upper and under world alike as "Freddy" Kernochan, leads through the happy mazes of the grand march a thousand pimps and thieves and prostitutes, to the blatant crying of the band:

"Sullivan, Sullivan, a damned fine Irishman!"

"Repeating" Runs Wild

In the period during which, according to court records, professional crime was doubling, the election and, more especially, the primary frauds by the professional criminal class ran wild — in spite of the work of the State and private agencies to prevent it. The Democratic primaries of 1906, which firmly established three more "gorilla" districts on Manhattan Island, were in these districts simply riots conducted by gangs of armed "repeaters." An official touch was given to these primaries by the fact that scores, if not hundreds, of the "repeaters" were fitted out and empowered to act as deputy sheriffs. Criminals from out of town, as well as in town, were among these officials, and the deputy sheriffs' clubs and badges, which they took home with them in paper bags, still constitute a standing joke in the criminal world.

The then sheriff of New York, Nicholas J. Hayes, was waging a fight on his Harlem district in the primaries of the year when this extraordinary thing occurred. He won handsomely. Percy Nagle, the ex-gambler and ex-superintendent of streets, who won in another Harlem district, had his head cut open by a blackjack and three fingers broken, while fighting on this memorable day, and was arrested for leading a gang of men in an attempt to stuff a ballot-box. After he had left the hospital he was honorably discharged by the police magistrate who heard his case, although a crowd of Nagle supporters were threatening physical violence to the complainant within a dozen feet of the magistrate's desk. "Repeaters" from Little Italy in Hayes' district, to which Paul Kelly had moved his headquarters and personal enterprises, were prominent in these primary fights. The hospitals about these districts were full of men on the evening of primary day, a large number of them with fractured skulls.

In the Eleventh District, on the West Side,

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"The" McManus defeated the old-time leader, George W. Plunkett, this year with comparative quiet. In the next year there was a savage fight between the same two men for this district. Great bodies of "repeaters" from the Italian and Jewish gangs in the so-called Sullivan districts, and a band of men from Newark, beat all records at stuffing ballot-boxes. During the day these men started shooting revolvers in the street, like a crowd of cow-boys in a Western mining town. In the occasional cases of arrest by policemen, the accomplices, again with deputy sheriffs' badges — by reason of which they exceeded the patrolman in authority — insisted on taking charge of the prisoner. They then led him around a corner and calmly released him.

These years marked the height of disturbance in New York primaries. The election in the fall of 1907 of Tom Foley, the leader of the Second Assembly District, as sheriff of New York probably exceeded all previous records for "repeating" at election time. There was an extremely active prosecution of "repeaters" this year, forwarded very greatly by Mr. Hearst's newspapers, which were backing the Independence League candidate who opposed Foley. The office of the State superintendent of elections, now under the management of William Leary, reported the greatest number of convictions of "repeaters" for a number of years.

A Drop of 30,000 in the Vote of "Repeaters"

In 1908 there was a lull in "repeating," due partly to lack of immediate interest, but largely to new election legislation, passed as a result of flagrant frauds. This bill, introduced by a young assemblyman and lawyer named E. R. Finch, unquestionably frightened the "repeaters" and their managers. Their concern was principally with the new provision known as the signature law.

Two necessary processes have to be gone through with in election frauds — false registration and false voting. As the "repeaters" are from a class of men of irregular habits, who are not always accessible, no attempt has been made in the past to have the same individual register and vote upon each false name. The signature law demanded that the voter's name be signed in a book, both at registration and election time, so that they appeared practically side by side. A comparison of these signatures was expected to prevent all voting upon another man's registration.

The estimates of those most familiar with the methods of election frauds in New York agree that some 30,000 fraudulent votes were cut out of the election last fall, largely through fear of this measure. From the gubernatorial election of 1906 to the presidential election of 1908, the registration of the city increased 20,000 votes, about three per cent. In the same two years the registration in the eight most notorious "gorilla" districts in the southern part of Manhattan decreased 8200, or twelve per cent. The Democratic vote for governor fell off 17,000 in the city, about five per cent.; and in the eight districts twenty-one per cent. There was a loss of 10,500 votes in eight Assembly districts of the 63 in Greater New York — in spite of the notorious fact that Tammany Hall, intending from the first to betray Hearst in the gubernatorial fight of 1906, sent out fewer "repeaters" than in any election before 1908. The comparison — which is the best available — does not give a fair idea of the curtailment of the illegal vote last year.

It is the belief of the expert observers of the fraudulent vote — of Mr. Finch, the author of the bill, of the State superintendent of elections, William Leary, and of Isaac Silverman of the Fidelity Secret Service Bureau, which has had charge of the Republican county committee's work along this line — that, in spite of the bill, at least 20,000 fraudulent votes were cast by "repeaters" in the election of 1908. And those most interested in this matter have not contented themselves with general figures.

A Quarter of the Registration False

Immediately after the last campaign, two election districts were selected in two of the most typical "gorilla" Assembly districts in the city. A careful canvasser was sent through these districts to see what names in the registration list could be found in the residences given. In each of them — widely separated both in distance and in character of population — fully a quarter of the names were found to be entirely fictitious. Further investigation showed that four fifths of these false names were voted on. If there were only fifteen Assembly districts of the 63 in the city, voting but two thirds of the false registration indicated in these two districts, the false vote on false registration alone would have been over 20,000 last year — a year freer from election frauds than any in the last twenty.

Now these votes, it must be remembered, are wholly fictitious. The additional votes by "repeaters" on names of actual persons recently dead or moved from the district, or of persons who neglect to vote or are forestalled at the polls, would add thousands more. There is general agreement both by those enforcing and breaking the law that it must be strengthened

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to be effective. For this reason Mr. Finch, the author of last year's bill, brought before the Legislature this fall provisions improving it, and intended to add to the difficulty of "repeating." These measures may have passed the Legislature before this article appears in print. They certainly should become law.

Tammany's Last Stand this Fall

Meanwhile, it is commonplace talk in the underworld — the small percentage of population that gives more careful consideration to the practical politics of a large city than all the rest of the citizens together — that next fall's election will see "repeating" on a greater scale than ever before in the history of the city. Tammany's Assembly district experts — many of whom sat back and studied last year's operation of the new election law — have expressed themselves as satisfied that there is "nothing to it; they won't compare the signatures." Beyond that, study of the two special election districts canvassed last fall shows that they will go further and will defeat the amended law by the new and more elaborate method of having one particular man register and vote on each false name.

The present situation is this: Tammany — now in a considerable and growing popular minority in New York — stands to lose control of the most tremendous political prize on the continent — the handling of a municipal expenditure of $150,000,000, and the control of tens of millions more in semi-public expenditures. For its mercenaries, the criminals who have carried its past elections, this fight means life or death — the chance or loss of the chance to make a living. The professional criminals and politicians, whose whole careers are concerned in the control of the city, will make the most desperate fight of their lives to carry New York this fall.

On the other hand, the general public is more than usually interested in the coming election. Its concern has been aroused by two notorious and closely related facts — the approach toward bankruptcy of the richest city in the world, under the class of rulers it has had; and the continued raids of thieves and burglars upon the private property of citizens. There is an excellent chance to defeat Tammany this fall. Once thoroughly defeated, that moribund and unnatural social growth — founded for years upon the thief and the prostitute — would collapse. By natural processes it should have been dead twenty years ago.

However, it is too early to prophesy. The leadership of the opposition forces in New York has too often been dilettante or selfish. There is already talk of the old criminal foolishness of splitting the anti-Tammany vote between two candidates.

THE HILLS

BY

FRANCIS E. FALKENBURY

UP through the hills where the sky is gray and changing,
And the merry wind is knocking all the forest things about;
Where the hare and the fox the russet vales are ranging,
And the corbies answer hollow as they scatter at your shout—
Soft through the woods where the merry wind is shouting
Through the heaven-kissing pines, where at eve the owlets hoot;
The little screeching owlets that are always fearing, doubting
That I will not keep the promise that I made them not to shoot—
Asleep in the hills with the bright stars shining o'er us,
The smell of fern and bracken coming through the camp-fire's smoke:
The wind up in the pine-trees humming soft its gentle chorus;
And the noises in the darkness of the woodland's furtive folk.

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THE HOME-COMING

BY

ELSIE SINGMASTER

ILLUSTRATIONS BY FREDERIC DORR STEELE

PARSONS knew little of the great wave of protest that swept over the Army of the Potomac when Hooker was replaced by Meade. The sad depression of the North, sick at heart since December, did not move him; he was too thoroughly occupied with his own sensations. He sat alone, when his comrades would leave him alone, brooding, his terror equally independent of victory or defeat. The horror of war appalled him. He tried to reconstruct the reasons for his enlisting, but found it impossible. The war had made of him a stranger to himself. He could scarcely visualize the little farm that he had left, or his mother. Instead of the farm, he saw corpse-strewn fields; instead of his mother, the mutilated bodies of young men. His senses seemed unable to respond to any other stimuli than those of war. He had not been conscious of the odors of the sweet Maryland spring, or of the song of mocking-birds; his nostrils were full of the smell of blood, his ears of the cries of dying men.

Worse than the recollection of what he had seen were the forebodings that filled his soul. In a day — yes, an hour, for the rumors of coming battle forced themselves to his unwilling ears — he might be as they. Presently he too would be lying, staring, horrible, under the Maryland sky.

The men in his company came gradually to leave him to himself. At first they thought no less of him because he was afraid. They had all been afraid. They discussed their sensations frankly as they sat around the camp-fire, or lay prone on the soft grass of the fields.

"Scared!" said the oldest member of the company, who was speaking chiefly for the encouragement of Parsons, whom he liked. "My

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knees shook, and my chest caved in. Every bullet killed me. But by the time I'd been dead about forty times, I saw the Johnnies, and something hot got into my throat, and I got over it."

"And weren't you afraid afterwards?" asked Parsons, trying to make his voice sound natural.

"No, never."

"But I was," said another man. His face was bandaged, and blood oozed through from the wound that would make him leer like a satyr for the rest of his life. "I get that way every time. But I get over it. I don't get hot in my throat, but my skin prickles."

Young Parsons walked slowly away, his legs shaking visibly beneath him.

Adams turned on his side and watched him.

"Got it bad," he said shortly. Then he lay once more on his back and spread out his arms. "God, but I'm sick of it! And if Lee's gone into Pennsylvania, and we're to chase him, and old Joe's put out, the Lord knows what'll become of us. I bet you a pipeful of tobacco, there ain't one of us left by this time next week. I bet you ——"

The man with the bandaged face did not answer. Then Adams saw that Parsons had come back and was staring at him.

"Ain't Hooker in command no more?" he asked.

"No; Meade."

"And we're going to Pennsylvania?"

"Guess so." Adams sat upright, the expression of kindly commiseration on his face changed to one of disgust. "Brace up, boy. What's the matter with you?"

Parsons sat down beside him. His face was gray; his blue eyes, looking out from under his little forage-cap, closed as though he were swooning.

"I can't stand it," he said thickly. "I can see them all day, and hear them all night, all the groaning,— I ——"

The old man pulled from his pocket a little bag. It contained his last pipeful of tobacco, the one that he had been betting.

"Take that. You got to get such things out of your head. It won't do. The trouble with you is that ever since you've enlisted, this company's been hanging round the outside. You ain't been in a battle. One battle'll cure you. You got to get over it."

"Yes," repeated the boy. "I got to get over it."

He lay down beside Adams, panting. The moon, which would be full in a few days, had risen; the sounds of the vast army were all about them — the click of tin basin against tin basin, the stamping of horses, the oaths and laughter of men. Some even sang. The boy, when he heard them, said, "Oh, God!" It was his one exclamation. It had broken from his lips a thousand times, not as a prayer or as an imprecation, but as a mixture of both. It seemed the one word that could represent the indescribable confusion of his mind. He said again, "Oh, God! Oh, God!"

It was not until two days later, and they had been for hours on the march, that he realized that they were approaching the little Pennsylvania town where he lived. He had been marching almost blindly, his eyes nearly closed, still contemplating his own misery and fear. He could not discuss with his comrades the next day's prospects, he did not know enough about the situation to speculate. Adams' hope that there would be a battle brought to his lips the familiar "Oh, God!" He had begun to think of suicide.

It was almost dark once more when they stumbled into a little town. Its street, washed by rains, had been churned to thick red mud by thousands of feet and wheels. The mud clung to Parsons' worn shoes; it seemed to his half-crazy mind like blood. Then, suddenly, his gun dropped with a wild clatter to the ground.

"It's Taneytown!" he called wildly. "It's Taneytown."

Adams turned upon him irritably. He was almost too tired to move.

"What if it is Taneytown?" he thundered. "Pick up your gun, you young fool."

"But it's only ten miles from home!"

The shoulder of the man behind him sent Parsons sprawling. He gathered himself up and leaped into his place by Adams' side. His step was light.

"Ten miles from home! We're only ten miles from home!"— he said it as though the evil spirits which had beset him had been exorcised. He saw the little whitewashed farmhouse, the yellowing wheat-fields beside it; he saw his mother working in the garden, he heard her calling.

Presently he began to look furtively about him. If he could only get away, if he could get home, they could never find him. There were many places where he could hide, holes and caverns in the steep, rough slopes of Big Round Top, at whose foot stood his mother's little house. They could never find him. He began to speak to Adams tremulously.

"When do you think we'll camp?"

Adams answered him sharply.

"Not to-night. Don't try any running away business, boy. 'Tain't worth while. They'll shoot you. Then you'll be food for crows."

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The boy moistened his parched lips.

"I didn't say anything about running away," he muttered. But hope died in his eyes.

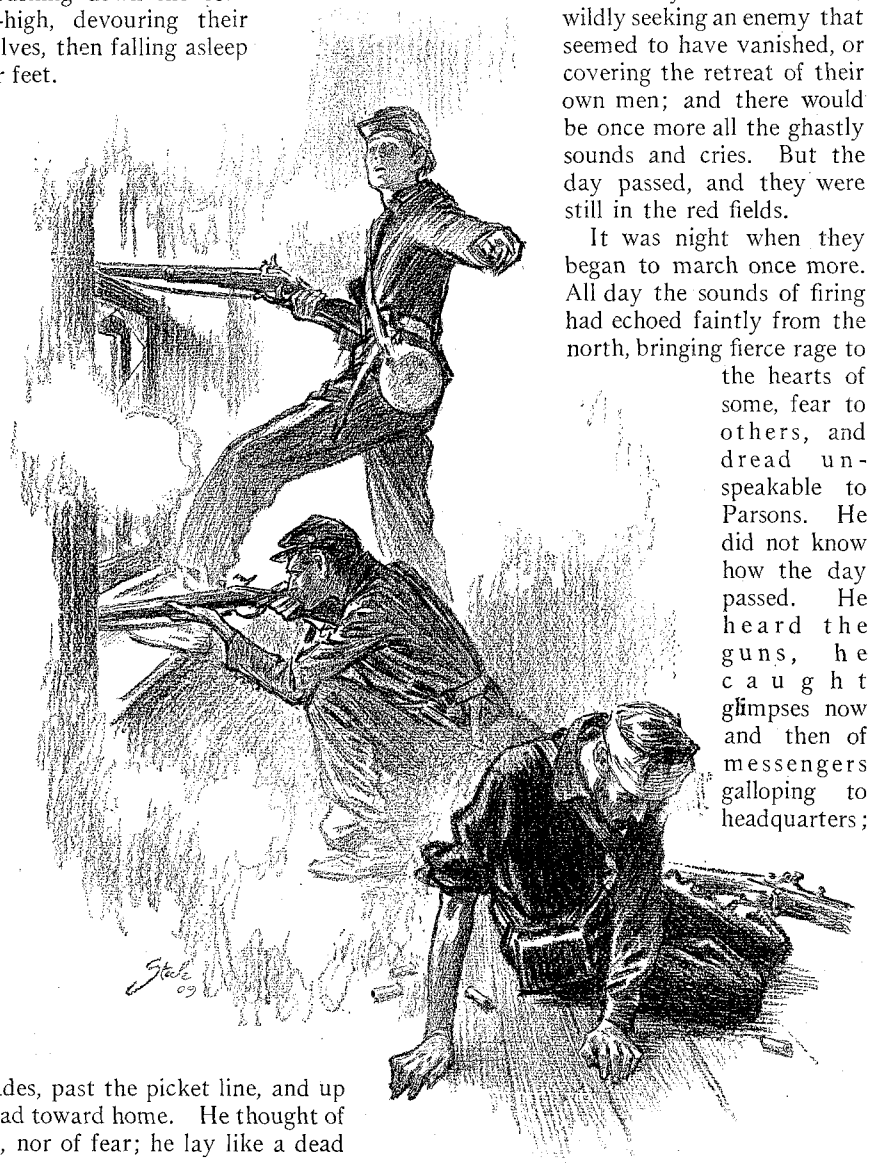
It did not revive when, a little later, they camped in the fields, trampling the wheat ready for harvest, crushing down the corn already waist-high, devouring their rations like wolves, then falling asleep almost on their feet.

Well indeed might they sleep heavily, dully, undisturbed by cry of picket or gallop of returning scout. The flat country lay clear and bright in the moonlight; to the northwest they might almost see the low cone of Big Round Top, to which none then gave a thought, not even Parsons himself, who lay with his tanned face turned up toward the sky. Once his sunken eyes opened, but he did not remember that now, if ever, he must steal away, over his sleeping comrades, past the picket line, and up the long red road toward home. He thought of home no more, nor of fear; he lay like a dead man.

It was a marvelous moonlit night. All was still as though round Gettysburg lay no grim armies, seventy thousand Southerners to the north, eighty-five thousand Northerners to the south. They lay or moved quietly, like great octopi, stretching out, now and then, grim tentacles, which touched or searched vainly. They knew nothing of the quiet, academic town, lying in its peaceful valley away from the world for which it cared little. Mere chance decreed that on the morrow its name should stand beside Waterloo.

Parsons whimpered the next morning when he heard the sound of guns. He knew what would follow. In a few hours the firing would cease; then they would march, wildly seeking an enemy that seemed to have vanished, or covering the retreat of their own men; and there would be once more all the ghastly sounds and cries. But the day passed, and they were still in the red fields.

It was night when they began to march once more. All day the sounds of firing had echoed faintly from the north, bringing fierce rage to the hearts of some, fear to others, and dread unspeakable to Parsons. He did not know how the day passed. He heard the guns, he caught glimpses now and then of messengers galloping to headquarters; he sat with bent head and staring eyes. Late in the afternoon the firing ceased, and he said over and over again, "Oh, God, don't let us go that way! Oh, God, don't let us go that way!" He did not realize that the noise came from the direction of Gettysburg, he did not comprehend that "that way" meant home, he felt no anxiety



"IT WAS HE WHO DIRECTED THEM IN FORTIFYING THE HOUSE"

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for the safety of his mother; he knew only that, if he saw another dead or dying man, he himself would die. Nor would his death be simply a growing unconsciousness; he would suffer in his body all the agony of the wounds upon which he looked.

The great octopus of which he was a part did not feel in the least the spark of resistance in him, one of the smallest of the particles that made up its vast body. When the moon had risen, he was drawn in toward the center with the great tentacle to which he belonged. The octopus suffered; other vast arms were bleeding and almost severed. It seemed to shudder with foreboding for the morrow.

Round Top grew clear before them as they marched. The night was blessedly cool and bright, and they went as though by day, but fearfully, each man's ears strained to hear. It was like marching into the crater of a volcano which, only that afternoon, had been in fierce eruption. It was all the more horrible because now they could see nothing but the clear July night, hear nothing but the soft sounds of summer. There was not even a flag of smoke to warn them.

They caught, now and then, glimpses of men hiding behind hedge-rows, then hastening swiftly away.

"Desertin'," said Adams grimly.

"What did you say?" asked Parsons. He had heard distinctly enough, but he longed for the sound of Adams' voice. When he repeated the single word, Parsons did not hear. He clutched Adams by the arm.

"You see that hill, there before us?"

"Yes."

"Gettysburg is over that hill. There's the cemetery. My father's buried there."

Adams looked in under the tall pines. He could see the white stones standing stiffly in the moonlight.

"We're goin' in there," he said. "Keep your nerve up there, boy."

He had seen other things besides the white tombstones, things that moved faintly or lay quietly, or gave forth ghastly sounds. He was conscious, by his sense of smell, of the army about him and of the carnage that had been.

Parsons, strangely enough, had neither heard nor smelled. A sudden awe came upon him; the past returned: he remembered his father, his mother's grief at his death, his visits with her to the cemetery. It seemed to him that he was again a little boy stealing home from a day's fishing in Rock Creek, a little fearful as he passed the cemetery gate. He touched Adams' arm shyly before he began to sling off his knapsack and lie down as his comrades were doing all about him.

"That is my father's grave," he whispered.

Then, before the kindly answer sprang from Adams' lips, a gurgle came into Parsons' throat as though he were dying. One of the apparitions that Adams had seen lifted itself from the grass, leaving behind dark stains. The clear moonlight left no detail of the hideous wounds to the imagination.

"Parsons!" cried Adams sharply.

But Parsons had gone, leaping over the graves, bending low by the fences, dashing across an open field, then losing himself in the woodland. For a moment Adams' eyes followed him, then he saw that the cemetery and the outlying fields were black with ten thousand men. It would be easy for Parsons to get away.

"No hope for him," he said shortly, as he set to work to do what he could for the maimed creature at his feet. Dawn, he knew, must be almost at hand; he fancied that the moonlight was paling. He was almost crazy for sleep, sleep that he would need badly enough on the morrow, if he were any prophet of coming events.

Parsons, also, was aware of the tens of thousands of men about him, but to him they were dead or dying men. He staggered as he ran, his feet following unconsciously the path that took him home from fishing, along the low ridge, past scattered farm-houses, toward the low cone of Round Top. It seemed to him that dead men leaped at him and tried to stop him, and he ran ever faster. Once he shrieked, then he crouched in a fence corner and hid. He would have been ludicrous, had the horrors from which he fled been less hideous.

He, too, felt the dawn coming, as he saw his mother's house. He sobbed like a little child, and, no longer keeping to the shade, ran across the open fields. There were no dead men here, thank God! He threw himself frantically at the door, and found it locked. Then he drew from the window the nail that held it down, and crept in. He was ravenously hungry, and his hands made havoc in the familiar cupboard. He laughed as he found cake and the loved "drum-sticks" of his childhood.

He did not need to slip off his shoes for fear of waking his mother, as he had used to do, for the shoes had no soles; but he stooped down and took them off with trembling hands. Then a great peace seemed to come into his soul. He crept on his hands and knees past his mother's door, and climbed to his own little room under the eaves, where, quite simply, as though he were a little boy, and not a man deserting from

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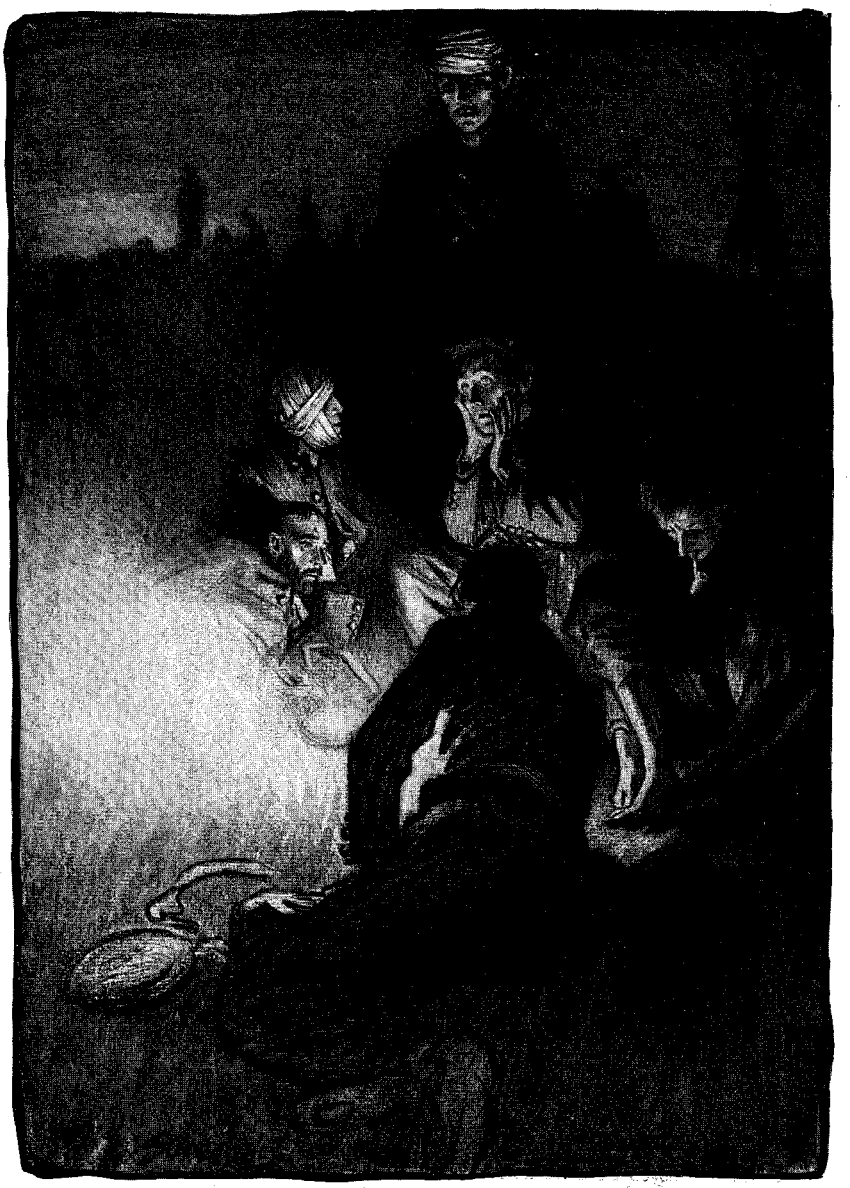

"'I CAN'T STAND IT,' HE SAID THICKLY"

the army on the eve of a battle, he said his prayers and went to bed.

When he awoke, it was late afternoon. He thought at first that he had been swinging, and had fallen; then he realized that he still lay quietly in his bed. He stretched himself, reveling in the blessed softness, and wondering why he felt as though he had been brayed in a mortar. Then a roar of sound shut out possibility of thought. The little house shook with it. He covered his ears, but he might as well have spared himself his pains. That sound could never be shut out, neither then, nor for years afterward, from the ears of those who heard it. There were many who would hear no other sound forevermore. The coward began again his whining, "Oh, God! Oh, God!" His nostrils were full of smoke; he could smell already the ghastly odors that would follow it. He lifted himself from his bed, and, hiding his eyes from the window, felt his way down the steep stairway. He meant, God help him! to go down and hide his face in his mother's lap. He remembered the soft, cool smoothness of her gingham apron.

Gasping, he staggered into her room. But

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his mother was not there. The mattress and sheets from her bed had been torn off; one sheet still trailed on the floor. He picked it up and shook it. He was imbecile enough to think she might be beneath it.

"Mother!" he shrieked, "Mother! Mother!" forgetting that even in that little room she could not have heard him. He ran through the house, shouting. Everywhere it was the same — stripped beds, cupboards flung wide, the fringe of torn curtains still hanging. His mother was not there.

His terror drove him finally to the window overlooking the garden. It was there that he most vividly remembered her, bending over her flower beds, training the tender vines, pulling weeds. She must be there. In spite of the snarl of guns, she must be there. But the garden was a waste, the fence was down. He saw only the thick smoke beyond, out of which crept slowly toward him half a dozen men with blackened faces and blood-stained clothes, again his dead men come to life. He saw that they wore his own uniform, but the fact made little impression upon him. Was his mother dead? Had she been killed yesterday, or had they taken her away last night or this morning while he slept? He saw that the men were coming nearer to the house, creeping slowly on through the thick smoke. He wondered vaguely whether they were coming for him as they had come for his mother. Then he saw, also vaguely, on the left, another group of men, stealing on toward him, men who did not wear his uniform, but who walked as bravely as his own comrades.

He knew little about tactics, and his brain was too dull to realize that the little house was the prize they sought. It was marvelous that it had remained unpossessed so long, when a tiny rock or a little bush was protection for which men struggled. The battle surged that way; the little house was to become as famous as the Peach Orchard or the Railroad Cut, it was to be the "Parsons House" in history. Of this Parsons had no idea; he only knew, as he watched them, that his mother was gone, his house despoiled.

Then, suddenly, rage seized upon him, driving out fear. It was not rage with the men in gray, creeping so steadily upon him — he thought of them as men like himself, only a thousand times more brave — it was rage with war itself, which drove women from their homes, which turned young men into groaning apparitions. And because he felt this rage, he too must kill. He knelt down before the window, his gun in his hand. He had carried it absently with him the night before, and he had twenty rounds of ammunition. He took careful aim: his hand, thanks to his mother's food and his long sleep, was quite steady; and he pulled the trigger.

At first, both groups of men halted. The shot had gone wide. They had seen the puff of smoke, but they had no way of telling whether it was friend or foe who held the little house. Then there was another puff, and a man in gray fell. The little group in blue hastened their steps, even yet half afraid, for the field was wide, and to cross it was madness unless the holders of the house were their own comrades. Another shot went wide, then another man in gray dropped, and another, and the men in blue leaped on, yelling. Not until then did Parsons see that there were more than twice as many men in gray. The men in gray saw also, and they, too, ran. The little house was worth tremendous risks. Another man bounded into the air and rolled over, blood spurting from his mouth, and the man behind him stumbled over him. There were only twelve now. Then there were eleven. But they came on — they were nearer than the men in blue. Then another fell, and another. It seemed to Parsons that he could go on forever watching them. He smiled grimly at the queer antics that they cut, the strange postures into which they threw themselves. Then another fell, and they wavered and turned. One of the men in blue stopped at the edge of the garden to take deliberate aim, but Parsons, grinning, also leveled his gun once more. He wondered, a little jealously, which of them had killed the man in gray.

The six men, rushing in, would not believe that he was there alone. They looked at him admiringly, grim, bronzed as they were, the veterans of a dozen battles. They did not think of him for an instant as a boy; his eyes were the eyes of a man who had suffered and who had known the hot pleasures of revenge. It was he who directed them in fortifying the house, he who saw the first sign of the creeping Confederates making another sally from the left, he who rushed out into the woods when, reinforced by a hundred of their comrades, they used the little house only as a base toward which to retreat. They had never seen such fierce rage. The sun sank behind the Blue Ridge, and he seemed to regret that the day of blood was over. He was not satisfied that they held the little house; he must venture once more into the dark shadows of the woodland.

From there his new-found comrades dragged him helpless. His enemies, powerless against him by day, had waited until he could not see them. They carried him into the house, where they had made a dim light. The smoke of battle seemed to be lifting; there was still sharp

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firing, but it was silence compared to what had been, peace compared to what would be on the morrow.

They laid him on the floor of the little kitchen, and looked at the wide rent in his neck, and lifted his limp arm, not seeing that a door behind them had opened quietly, and that a woman had come in from the deep cellar beneath the house. There was not a cellar within miles that did not shelter frightened women and children. Parsons' mother, warned to flee, had gone no farther. She emerged now, a ministering angel. There was food in plenty; there were blankets, bandages, even pillows for bruised and aching heads. Heaven grant that some one would thus care for her boy in the hour of his need!

The men watched Parsons' starting eyes, thinking they saw death. They would not have believed that it was Fear that had returned upon him, their brave captain. They would have said that he never could have been afraid. He put his hand up to his torn throat. His breath came in thick gasps. He muttered again, "Oh, God! Oh, God!"

Then, suddenly, peace ineffable came into his blue eyes.

"Why, *Mother!*" he said softly.

THE CASTLE OF THE ORDER OF CHRIST

(*Ordem de Cavallaria de Nosse Senhor Jesus Christo, 1334. Thomar, Portugal.*)

BY FLORENCE WILKINSON

IT is too beautiful to be
A ruined thing;
It is more wonderful than fame,
More wistful than the spring.
(Hark, like the wind's wash in the pines,
Or surge of distant seas,
Yon white tree vastly nourishes
Armies of singing bees.)

The tangerines drop by the tower,
A caged bird calls;
The placid verger stops to tell
Of battle on these walls.
Ah, to have been in those old days
The Master of the Knights,
Building one's great imaginings
On castled heights!

But the Ancient First Embroideress
Silently works to fling
Green robes around the crumbling doors
That housed a king.
It is too beautiful to be
A ruined thing;
It is more wonderful than fame,
More wistful than the spring.

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FOUR O'CLOCK IN THE MORNING

BY

HULBERT FOOTNER

ILLUSTRATIONS BY H. J. MOWAT

IN Haverland, one of the ancient Dutch towns on Long Island included in the metropolitan boundaries, there stands, under the magnificent elms on the edge of a little green where three streets converge, a lunch wagon. Presumably it is open for business during the day; but no sign of activity can be perceived through the windows, which are of colored glass, and one hesitates to enter a place of so gypsy a character in broad daylight. After dark, however, the red panes shine with a lurid boldness, and late at night, especially on a cold night, a savory emanation of hot coffee and fried onions is likely to tempt the most respectable citizen to sample the hospitality within.

The lunch wagon is presided over during the long hours of the night by Mat Lennon, a thorough-going lad of seventeen, who sizes up his customers warily and, when there are none, fills the van with the sound of his cheerful whistling. That his occupation has a romantic side never occurs to Mat; the mystery of the dark, the stillness, and the remote stars is nonexistent for him, who never puts his nose outside the little door during his hours on duty; nor does he ever see anything out of common in the character of the men brought forth between midnight and dawn: the diverse secrets of the sparkling-eyed lovers, the sullen unfortunates, and the furtive predatory spirits are all unguessed by Mat, who is solely concerned as to whether his customers have the money to pay for what they order. In brief, Mat is a normal boy, simple, aggressive, and scornful of aught beyond his ken. He is a well-favored boy, with cheeks of an extraordinary redness, considering the nature of his occupation, and a valiant blue eye. His martial expression is further carried out by a stiff cockade or cow-lick of his sandy hair, mounting guard over his forehead.

At four o'clock one raw morning in November, Mat, in a fit of unusual industry, was washing the shelves of his little pie-cupboard, whistling loudly and unmelodiously to the humming accompaniment of the big coffee urn. Outside, Haverland was wrapped in an unearthly blackness and stillness. It was one of those nights when low-hanging clouds seem to be pressing the very breath out of the earth. Inside, it was precisely such a warm, bright, cozy little refuge as a weary and freezing traveler might dream of to keep himself going: the new varnish, the red panes (each depicting in clear glass the figure of a medieval gentleman in full dress), and the nickel and porcelain cooking utensils were all vying with each other in reflecting the shine of the electric lights. A sliding door occupies one side of the wagon; and across

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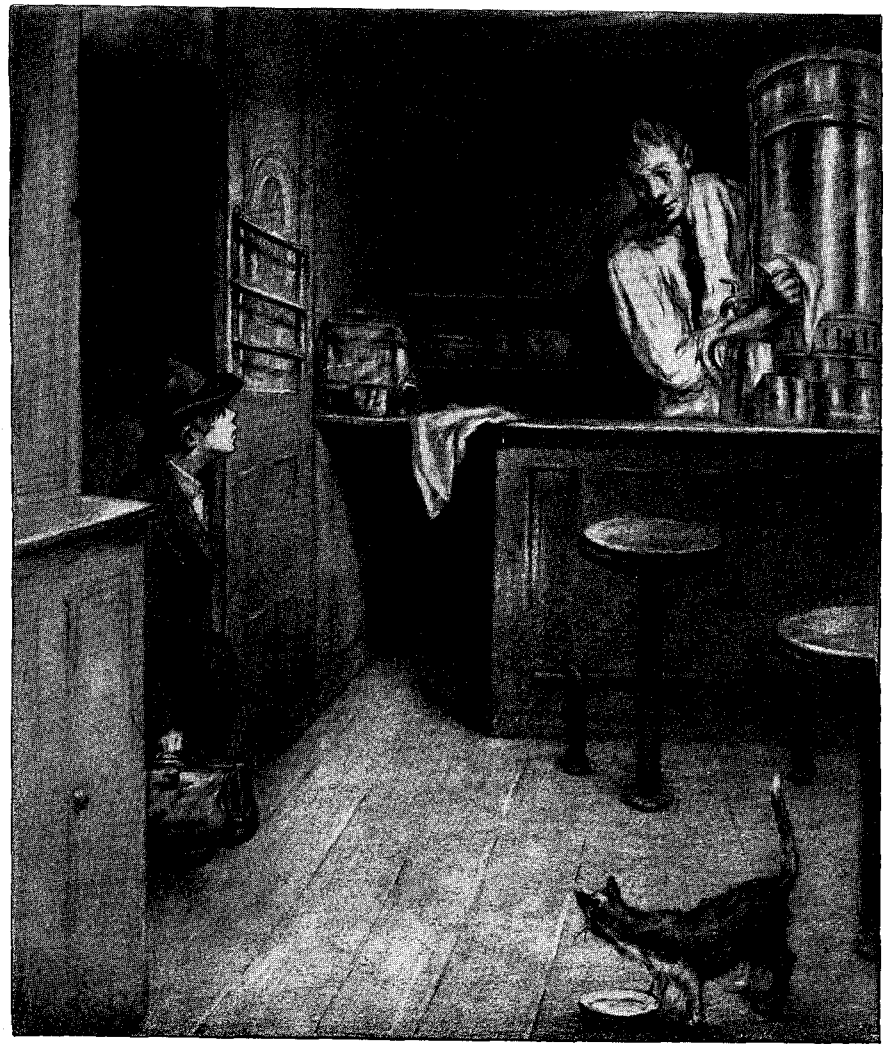
one end is built a little counter with a leaf that lifts to let Mat in and out. As he stands behind this counter, behind him again is another shelf which carries his whole paraphernalia: to wit, a tiny gas stove, with a frying pan, and a hood to carry off the fumes, a little steam table for keeping the beans and chowder hot, the big nickel-plated coffee urn already mentioned, and the pie-cupboard with a screen door. Under this shelf is a cupboard and refrigerator a little larger than doll's size, and in the spare corners within reach of Mat's hand there are various boxes and shelves; for every inch of space in a lunch wagon must be utilized, just as in the cabin of a canal boat, which it resembles not a little.

Outside the counter the remaining wall space is occupied by a narrow shelf set about with round stools. Here Mat's customers, after receiving their suppers at his counter, put them away at leisure. As many as eight men have been accommodated at one serving; but that, it must be confessed, was a tight squeeze.

On the raw morning in question Mat had had the wagon to himself for some little time, and in the ordinary course was not expecting another customer for three quarters of an hour — when, upon the arrival of the next car from town, at the end of its run, he was sure of at least two coffees for the chilled motorman and conductor. Nevertheless, in the middle of Matty's musical fantasia, the door was slowly pushed back, and a strange little figure, sidling into view, waited hesitatingly with a hand on the door, as if the slightest demonstration on Matty's part would instantly drive it forth again. It was that of a boy of twelve, though something about him seemed to hint at a



"'MAY I COME IN AND GET WARM?' STAMMERED THE BOY"

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greater maturity. He was clad in a well-patched coat and long trousers that had evidently been cut down from larger garments by inexperienced hands; for the mended knees of the original trousers flapped around his shins, the polished bends of the elbows stuck out half way to his wrists, and there was a quaint fullness to the breast of the coat and the seat of the trousers, which had been diminished with very indifferent success. This ample costume was topped with a battered, dusty derby of the kind a plasterer wears on working days, which came down over the curly brown hair to the ears of the wearer, enframing a pale, clean face, with great brown eyes distended by fear or anxiety, or both; and fresh, childish lips tightly compressed in what seemed to be some desperate determination. In one hand the boy carried a cheap little valise.

Mat glanced at the newcomer with careless suspicion; he saw nothing remarkable in the little fellow's clothes, for the boys who prowl around the outskirts of a great city at night are not over-particular as to their appearance.

"May I come in and get warm?" stammered the boy, in anything but the accents of a hardy little gamin of the pavements; this was the high-pitched voice of a home-bred child.

"Want to order anything?" demanded Mat.

"I haven't any money," said the little fellow, with a painful blush.

"Oh, well, you can stay until a customer comes in," said Mat, with a glance of boyish contempt at the weakling. He turned to his work again.

The little fellow seated himself on one of the round stools and, resting his elbow on the shelf, leaned his cheek wearily against his hand and obviously tried not to look hungry. The grateful warmth seemed to make him drowsy, and presently his eyes half closed. Mat's attention was arrested by a long-drawn sigh. Upon turning around, he saw that the boy's head had fallen forward, that his face had grown even whiter, and his lips faintly blue. Mat, who outside of business was anything but hard-hearted, ducked under the leaf of the counter and, putting an arm around the young one, lifted him up. He had always heard that the thing to do when a person fainted was to loosen his clothes at the neck; so he hastily proceeded to unfasten the boy's shirt. Suddenly he paused, and over his rosy face there crept a deeper tinge of red; with fumbling fingers he quickly did up the buttons again; his arm closed more protectingly around the slim body it held, and he gazed at the little fellow with a new and gentler light in his wary blue eyes.

Mat was sorely perplexed what to do next; but in a moment, without calling for any further efforts of resuscitation, the little fellow heaved another sigh and opened his eyes. As soon as he realized that Mat's arm was around him, he quickly straightened up and shrank away. Though not in accordance with the facts as now known to Mat, we will, in deference to his attire, continue to speak of the little one in the masculine gender.

"You sort of keeled over!" said Mat genially.

The little fellow visibly brightened at his friendlier tone. "I'm sorry," he murmured apologetically.

"UNDER THE ELMS ON THE EDGE OF A LITTLE GREEN STANDS A LUNCH WAGON"

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"HIS ARM CLOSED MORE PROTECTINGLY AROUND THE SLIM BODY IT HELD"

"Oh, that's all right!" said Mat heartily, returning to his place behind the counter. "All you need is some good hot grub. What'll you have?"

"I — I can't pay for it," stammered the little fellow, with the same painful blush.

"Who asked you to pay for it?" demanded Mat truculently, forgetting his previous attitude on the subject.

"You are very kind," said the little fellow gratefully.

"Kind nawthing!" exclaimed Mat, in the same tone of disgust. "Ain't I been broke myself? Fellows has got to help each other out," he added, with what was in Mat rare delicacy.

"A cup of coffee's enough," said the little fellow modestly.

"Oh, he—" Matty checked himself in confusion. How to maintain the fiction of the little fellow's manliness and at the same time pay due heed to the choice of language suitable for gentler ears was a sadly complicated problem for one of Matty's simple ideas. "I mean," he continued hastily, "you need something solid. Here, I'll give you a piece of pie to eat with the coffee while I flip you a hamburger. What kind of pie?"

"Cocoanut," murmured Matty's guest, thus pressed.

"I'll fry you an egg with the hamburger, too," said Mat recklessly. "Eggs is fine and heartening!"

Directly afterwards a delightful sizzling sound filled the cabin. The odor of onions frying is no doubt very distressing to many delicate nostrils; but at four o'clock in the morning, to the appetite born of an all-night walk, it must be granted there are worse smells. At least, the little fellow thought so.

When the hamburger and its accompanying egg were served, Matty leaned his elbows on the counter and gazed at the little fellow sedately eating his supper from the shelf near by, with a strange, wild pleasure he did not understand, or seek to understand. What a vastly different meaning the close, curling hair, the great brown eyes, and the lips like rose leaves had taken on in five short minutes! When Matty remembered lifting the little fellow up, the arm that had held him tingled. But the ridiculous battered derby was an offense in his eyes.

"Why don't you take your hat off?" he suggested suddenly.

The little fellow, thinking his manners were at fault, snatched it off his head with a blush. At the sight of his distress Matty wished to explain that criticism was far from his inten-

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tion, but he had no phrases comprehensive enough to express this feeling; all he could do was to spread the little one more bread and butter. As a matter of fact, Matty thought the little fellow's manners, which he would have gibed at in a male creature, uncommonly elegant. Removing the hat made a wonderful difference in his appearance. Matty gloated over the rich brown curls, which seemed to wink at the electric lights, and he was conscious of a novel wish to lay his cheek among them. He wondered dimly what made the little fellow look so sorry, and burned to right the wrong, whatever it might be. But hot food and drink were lighting up the eater's eyes with a renewed courage, and a faint pink stole into his cheeks. At the sight of it Matty beamed from every feature.

"Come far?" asked Matty.

"Not so very," returned the little fellow evasively.

"Where you bound?"

"New York."

Matty frowned.

"I'm almost there," said the little one hopefully.

"Twelve mile," said Matty discouragingly. "What are you going to do when you get there?"

"Get a job," returned the little fellow stoutly. "Carry bundles, or run errands, or something. I'm stronger than I look," he added, with a confident air.

Matty was much distressed at the thought of such innocence abroad in the city. "You don't know your way around," he protested.

"A fellow can always ask," said the little one, with an air.

Matty never thought of laughing. Bent on discouraging him, "The kids'll make a mock of your clothes," he said.

He promptly wished he had bitten his tongue before the remark escaped him; for the little fellow's eyes slowly filled, and he choked over his food.

"They're all right!" cried Matty, desperately remorseful. "*I* wouldn't laugh at them. I'd bust any kid's head that laughed when I was around. But city kids is fierce!"

The same air of desperate determination shone through the little fellow's tears. "I'll fight them, if they won't let me be!" he proclaimed.

Something in the way this was said made Matty's eyelids prickle. "You don't want to have anything to do with them!" he urged earnestly. "They're bad clear through. Ain't you got no folks to take you in?"

The little fellow was mum on this point. "I'm not going to stay in New York long," he said. "Just till I get enough money to take me to Scranton. I'm going to live with my brother there. He's the finest fellow!" he exclaimed enthusiastically. "Never touches a drop!"

"Why don't you write and ask him for the money for your fare?" suggested Matty.

"He's got a family," said the little one, in the tone of one who must be fair. "I haven't any claim on him. But when I get there I'll work out my board. You won't tell if they should ask you where I went?" he struck in, with sudden terror.

"Ah-h! What do you take me for!" snarled Matty, hurt and angry at the bare suggestion of such a thing.

For a few moments nothing was heard but the subdued humming of the big coffee urn. The little fellow, having finished his supper, crossed his legs and leaned back, nursing one knee, in what he thought was a very manly attitude; meanwhile he was scowling fiercely to counteract the effect of the blushes that would rise under Matty's searching gaze. Matty was watching him in great perplexity as to how he might devise a means to delay the little fellow's rash attempt upon the city. Finally he could contain himself no longer.

"Scranton is hundreds of miles off!" he burst out. "You'd never make it in the world! Why, as soon as ever it's daylight you'll be found out!"

The secret had escaped! The little fellow dropped his knee and stared at Matty with wild, affrighted eyes.

"What do you mean?" shaped his lips.

Matty ducked under the leaf of the counter again and approached the little one's side. "You're no fellow!" he said, with rough, unaccustomed tenderness, unconsciously seizing a little hand in his earnestness and pressing it against his cheek. "Any one could see it with half an eye! You're too pretty and good and nice! Go back where you come from and get your own clothes. I'll go with you if you want. I won't let any one touch you. You hadn't ought to go into town. You don't know what you'd be up against!"

She slipped off the stool and, snatching her hand free (the masculine pronoun may as well be dropped), backed away from him. "You must be crazy!" she said, white and desperate. "Of course I'm a fellow! My name is Harry Covey."

"You can't fool me!" said Matty. "I know!"

An impending deluge of tears left her no resource but precipitate flight. With a miserable little offhand air, which was mocked by her shaking voice, she said: "Well, it's good your

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thinking can't make me a girl. I must be getting along. Thank you for your kindness."

"Don't go!" cried Matty, in distress. "I was only joking," he hurriedly added. "Of course you're a fellow!"

She was already outside; but she had no sooner set foot to the ground than she swung about and, darting inside the wagon again, pulled the door shut and leaned against it, sick with fear.

"*He's* out there in the road!" she gasped. "Talking to a policeman!—My father! He'll surely kill me! Hide me! Oh, hide me!"

Matty wasted no time in getting the situation clear in his head, but, instantly seizing the little one's hand, he pulled her after him under the leaf of the counter. Under the solid part was a set of loose shelves on which Matty kept bread and other supplies. He pulled out the shelves, letting the food fall where it would, and into the niche thus vacated thrust the little one, effectually concealing her from the view of any one in the body of the wagon. She had just room enough to sit down. Matty had no sooner straightened his back than the door of the lunch wagon was slid back with a bang that made all the red panes rattle and, upon admitting the form of a brawny working-man, was closed with equal violence. Matty saw that this display of force was merely the result of a muscular habit of action. The man actually had the manner of one who seeks to close a door moderately; and he was plainly unconscious as yet of the proximity of his daughter.

The newcomer's bulk seemed to fill the entire van. It was not that he was so tall, for he looked almost dumpy; but that was the effect of his enormous breadth. His bull neck was forced forward by a thick roll of muscle across his shoulders, and this had the effect of making his great arms hang down, almost to his knees, it seemed. His swarthy, flushed face was cast in the unemotional mold that goes with great strength; and with the lowering, uneasy eye of the hard drinker, he had that grim, satiric mouth that, in elders, is such a terror to youth. Truly it was a formidable antagonist who faced Matty, and the little one's fear was explained. But at this moment the boy was ready to rejoice in any odds: his chin stuck out aggressively, and his eyes shot forth a steely spark, as he gave the counter a careless swipe with his towel.

The big man lounged in front of him with an exaggerated air of indifference. "Has there been a lad in here inside an hour?" he inquired in an offhand tone. "A little fellow with a white face, and pants like they was made for the front legs of an elephant, same girth all the way down?"

"There's been no boy in here," answered Matty, with entire truth.

The man elevated his eyebrows, which in him was tantamount to a shrug. "Well, then, I guess the little devil'll have to shoulder his own pick," he drawled, with the jocose air under which, in bar-rooms, every feeling is disguised. "Blamed if I'll walk the streets of town after him!"

At this display of apparent callousness, Matty's wrath began to rise. He felt it necessary, however, to curb it until he was better armed with information. To that end he inquired carelessly if the boy had run away.

"Just so!" said the man, dropping on the stool nearest the counter — the same stool the little one had occupied a minute or two before. "Lit out from Roslyn somewheres between nine and ten-thirty. I've followed him sixteen mile along a road as black as the pit, picking up a word here and there which kept me on his track. I thought sure I'd nab him before coming to the city line. Who'd ever have thought she'd have ——" He pulled himself up and glanced uneasily at Matty to see if his slip had been noticed.

"I thought you said a boy!" said Matty quickly.

"It looks like a boy," said the man doggedly, "and that's enough for the public!"

A purple spot burned in the middle of each of Matty's red cheeks. "You take it pretty easy," he said.

The man looked at him grimly. "My lad," he drawled, not without dignity, "the feelings of a full-growed man ain't to be so easy read off by a sliver like you!"

This slur on his youth at such a moment was too much for Matty's self-control. He was keyed up for great deeds. "Boy or girl," he said boldly, "I know what drove the kid away from home."

"And what might that be?" drawled the man, with grim, affected surprise.

Matty met his eye squarely. "Booze," he said laconically.

The man slowly raised his great bulk from the stool and pressed his huge knuckles on the edge of Matty's counter. A deeper tinge of red crept under his swarthy skin, and his eyes glittered dangerously. "And how do you know that?" he asked softly.

"I see it in your face," said Matty coolly.

The man's eyes blazed on Matty, and he raised his clenched fists in a frightful gesture of wrath. But the lad was nerved by a glimpse of a white, appealing face, bending over and looking out from under the counter; and his eyes were lit by a deeper flame than the man's own. They

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did not flinch; and the man's arms, arrested in mid-air, dropped to his sides, and the clenched fingers relaxed. He turned to the stool again and, sinking heavily on it, appeared to stare hard at the sauce bottles on the shelf.

"Yesterday I would have killed a man for less," he said thickly. "But now — well, I guess it's coming to me!"

Matty was man enough not to pursue his advantage too far. He busied himself in picking up the things that had dropped behind the counter when he pulled out the shelves, managing to touch the little one's curls, by accident, as it were, in passing, and, as he stooped down, grinning reassuringly into her face.

Presently the man turned around on the stool with an expression of face that seemed to indicate that he was anxious to justify himself under Matty's charge. "Me and the kid was always good pals at ordinary times," he said simply. "But since she was a baby she was that comical scared of a man in liquor, I just couldn't help plaguing her whenever I had downed a few. Her ma used to hide her when I come home. Since the old woman died and the kid's brother went off and got married, them times of getting full was more frequent than formerly. It's expected of a widow man. Folks would think he was glad to get rid of his woman if he come home sober after she was gone. Well, when the kid begun to grow up, it seemed kind of unnatural that her, almost a woman growed, should have such a fool scare of her dad whenever he had an edge on, and I got sore-like on her, though a good girl she was and none handier around the house. Last night I got fuller than usual along of Clancy fresh-painting his place, but not to say loaded, for I counted every house on the way home and picked my own gate first go. But the kid, she riled me with her white face, disgusted and sick-like at the sight of her natural father; and in the end — well, I sort of raised my hand to her. Not a blow, you understand, just a little slap — but it was the first. She must have been cutting down her brother's old clothes all to-day, and to-night when I come home — she was gone."

"It was a cowardly act," said Matty.

"I ain't saying I don't regret it," muttered the man.

"It's up to you to take the pledge!" said Matty.

There was a gleam of interest, tempered by suspicion, in the man's eye. "You don't catch Dave Covey tying up to no salvation shark," said he.

"I'll wirte you up an oath myself," said Matty eagerly. "A good hard one you couldn't wiggle out of."

"Let her go!" said the man facetiously. "But mind, no hallelujahs!"

Matty had already dug out a pencil and a small square of wrapping paper, and was setting to work with a will. For several minutes there was no sound to be heard in the lunch wagon except the humming of the urn, the breathing of the three people, and the spasmodic scrunching of Mat's pencil, as he bore down hard. When he approached the end of his composition, he paused and with averted head asked the young one's name, waiting for the blessed sound of it with strained ears.

"Between you and me, Emma," said the man.

It was satisfactory to Matty. He wrote it down and also, as it were, put the name carefully away in his mind. He handed the paper across the counter, and waited anxiously while the man read it over. Upon completing it, Dave glanced furtively at Matty with what, had he been vainer, Matty would have known was unwilling admiration.

"Pretty tight!" he said in his offhand way. "But put in hard cider. Clancy always has it for them that has swore off."

Matty made the desired correction and returned the paper.

"You won't blow on me?" said the man, with ill-concealed anxiety.

"Sure, I will!" said Matty boldly. "How can a man keep a pledge unless he knows everybody knows he's swore it?"

The man shrugged his eyebrows again. "It's coming to me," he said quietly.

Without any suggestion from Matty, big Dave then stood up and, squaring himself, raised his right hand aloft and delivered his oath in a great voice, while Matty stood by with the faint, abstracted smile of an author.

"I, Dave Covey," he read from the paper, "solemnly swears not to and binds himself not to touch or drink a drop or any other quantity of wine, beer, or spirituous liquors or hard cider for three years from to-night. And if he breaks his oath may the fires of hell light upon me; and if he breaks his oath I hereby give up all my rights and claims as a father on my said daughter, Emma Covey, for ever and ever, so help me God, Amen."

The instrument was duly signed by Dave and witnessed by Matty, who subsequently put it in the pie-cupboard for safe-keeping. Upon hearing the oath read, the little figure under the counter had evinced a disposition to emerge, but was restrained by a touch of Matty's foot.

"That was a good thought about the kid," said Dave reflectively. "That will hold me to it. But what made you hit on three years, now?"

Matty was drawing a cup of black coffee for

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Dave to drink to the signing of the pledge, and the question took him off his guard. "I'll be twenty," he said simply. "I don't think a man ought to marry before then."

"So-ho!" drawled Dave, with his inimitable affectation of polite surprise. "Seems to me you're taking a pretty long shot!"

Matty recovered himself promptly. "She must have pluck," he said, as carelessly as Dave himself. "I'm willing to risk it."

"I never said but what she was as homely as a hedge fence," remarked Dave.

"Nor did you say but what she wasn't," retorted Matty.

"Well, I do say we've got to find her first," said her father.

This provided the opening Matty had been waiting for. "The trouble with kids when they light out," he said carelessly, "they'd come home quick enough, only they're scared of what they'll get."

"If I could find my little daughter," said Dave Covey, in a voice that was earnest enough in spite of the jocose drawl, "would I larrup her for running away? Not on your life, my lad! I'd apologize to her, I would. I'd say to her, 'Emmy, my dear, you're more of a man than your drunken old pa!'"

There was a frantic scramble underneath the counter, as of a gigantic mouse suddenly startled into action. Matty had a glimpse of a pair of baggy little trousers darting under the leaf of the counter as the little one precipitated herself on her astonished parent. He turned his back, and, with hot ears, clattered among his dishes. The little one uttered not a sound; but her father expressed over and over, in varying tones, an unalterable conviction that he would be condemned. When Matty ventured to turn around, big Dave was still sitting on the stool and holding the curly-headed little one close to his side. Father and daughter were cheek to cheek, and the sight of this parental privilege gave Matty an envious ache somewhere under his necktie.

"You're a smart kid, all right," said Dave to Matty, with a grin of admiration that made the boy's heart swell. "All I can say is, I give my consent to you know what, in three years."

The little one, who was one great blush, would not look anywhere near Matty, but kept slyly tugging at her father to be gone. When she finally got him started, she pulled him down and whispered in his ear.

"The lad says I must pay for the damage he did your stock," drawled Dave.

Matty flared up instantly. "I won't take a penny!" he shouted, with ridiculous force, considering the size of the place.

Still keeping a careful back to Matty, the little one whispered another message in her father's ear.

"He says will you come and eat it out next Sunday, then, and be interjooced to him in her natural sex," said Dave.

"Sure!" cried the delighted Matty.

LAKE WINDS

BY EDITH WYATT

KEEN, fleet and cool, on your silver-breathed way,
Whirling the cirrus-cloud, brushing the mire,
Far down the roads of the night and the day,
Sing me the name of my proudest desire.

Midland wind, inland wind, buoying low,
Flying on Michigan's gray-dappled deep,
Swing me the strength and the splendor to know
Once, ere the hour of my infinite sleep.

Fling them but once to me — once let me go
Straight to some goal through all mist or all mire,
Knowing no thought but to live, as you blow,
Free in the name of my proudest desire.

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THE ANIMAL MIND FROM THE INSIDE

BY

E. T. BREWSTER

ANIMALS do not reason. If any one truth has come out of all the critical study of the animal mind that has been going on since this century came in, this is it. Animals do not reason; they never have reasoned; they never by any possibility can reason. The wisest of them do, indeed, get into the borderland that separates reasoning from other mental processes; but no living creature, except man, ever gets unequivocally across the line.

All this, to be sure, science had made out in a general way twenty years ago. During the long controversy over the doctrine of evolution, the evolutionists, especially Romanes, by way of proving that the human mind and the animal mind are all of a piece, compassed sea and land to find one single clear example of reason in animals — and failed. This, however, is only negative evidence. But of late years, beginning with Lloyd Morgan, the whole matter has been gone over again, not by collecting more or less authentic anecdotes, but by means of the most carefully devised experiments. Animals have been placed in situations where the stupidest of men would certainly use reason, and where the animal had every incentive and every opportunity to use it. In no case has the animal done so. Instead, every time, it has attained its end by a mental process that looks like reason, but is not. To-day, therefore, science not only knows that animals do not reason; it understands also the mental process that, in the more intelligent creatures, gives rise to the fallacious appearance of reason. At the present time, we not only know that no living thing except man can reason; but we understand, in addition, the something just as good that enables other creatures to get on without reason.

The Domestic Animal Never Governed by Reason, Rarely by Instinct

All this ought to give much joy to such old-fashioned persons as cling to the opinion that men are endowed with reason, but animals are governed by instinct. Oddly enough, however, this time-honored opinion fares rather harder at the hands of modern science than does the sentimental view. For if animals never reason, men rarely do; while, so far as instinct is concerned, man actually has more different instincts than any beast; and, on the other hand, among adult animals of the more intelligent species, pure instinct, so far from being the controlling factor in the creature's life, hardly has to be reckoned with at all. Even the mouse-killing impulse of the cat turns out not to be instinctive.

Of late years two schools of naturalists have divided the allegiance of the public between them. Both, from the standpoint of science, are totally wrong. Against Mr. John Burroughs on the one side, and against Dr. William J. Long on the other, and in general against them both, modern comparative psychology maintains four propositions: Animals do not reason at all. Men do not reason by any means as much as they are commonly supposed to. Men have more instincts than animals. Unmodified instinct is not an important factor in the lives either of men or of the half-dozen four-footed beasts that are most like men. This last proposition, however, is not true for the vast majority of living things. Barring a comparatively small number of the more intelligent species, the living world is pretty nearly the automatic affair that general opinion in preëvolutionary days thought it to be.

Science, then, maintains these four propositions. It is the humble task of the present article to set forth certain details concerning the first two of these, together with some fragments of the evidence on which these conclusions are based. Fortunately, much of this evidence requires for its appreciation nothing more than a little practice in analyzing one's own mental processes, together with some familiarity with at least one domesticated animal.

Reason No Higher than Other Mental Powers

First of all, then, the animals for the moment aside, what do we ourselves mean when we say "reason"? Time was when we thought

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of reason as a God-given faculty or attribute of the human mind; something added to the intelligence, denied the brutes, and somehow taken away again from us, when too much philosophizing has driven us crazy. The "new psychology" has changed all this. We have no more a faculty of reason than we have a baseball-playing muscle. We use what muscles we have in a certain way, and it is baseball. We use what minds we have in a certain way, and it is reasoning. Reason, then, is neither higher nor lower than other mental powers. It is simply a convenient device for getting results. It has to be learned, like dancing. Some able men do little of it; some fools are impelled by circumstances to do a great deal.

The traditional example of the reasoning process is the syllogism concerning Socrates. All men are mortal; Socrates is a man, therefore Socrates is mortal. It is the type of all reasoning. The mind passes deliberately and methodically from known premises to a conclusion that, if not precisely unknown, is at least usually unformulated. So with all reasoning — it explores the unknown, it gets somewhere, it prophesies the future, it tells what is likely to turn up.

But suppose, instead of constructing syllogisms about Socrates, I glance up from my work and see young Socrates playing in the yard. The thought flits through my mind, "After all, this fair youth is but mortal — the grass of the field — here to-day, gone to-morrow." Have I then reasoned concerning the mortality of Socrates? I certainly have not. I have made no effort to get anywhere, to solve any problem, to make clear any idea. I have merely indulged in a piece of reverie, which was no more reasoning than was the dream that produced "Kubla Khan."

Or suppose I am writing a life of Socrates. I search all the libraries of Europe. I read volumes of Greek text, I study Greek life, literature, art, history. I acquaint myself with all that has ever been written on Socrates. In the end, I produce a monumental work that remains for centuries the standard authority on the life of Socrates. Yet I need not have reasoned once during the whole process. So long as I simply accumulate knowledge, and piece together facts already in my mind, I am employing industry, attention, memory, imagination, judgment, sagacity — but not reason. But the moment I say, "Socrates carried a spear on the expedition to Potidaea, therefore Socrates was a man of sound physique," I have reasoned. I have formally, deliberately made my jump into the unknown.

The More a Man Knows, the Less He Need Reason

So, I say, reasoning is a somewhat uncommon process even with the best of us. In fact, the more learning a man has, that is to say, the better acquainted he is with what has already been thought and done in the world, the less occasion he has to reason out anything for himself. The more expert one is, the more unhesitatingly does his mind run through to its conclusion without the need of conscious thought. Omnipotence, therefore, is of necessity unreasoning. Among all the attributes of Deity, no system of theology has ever included logic.

It is an illuminating experience, for one who wishes to understand the workings of the animal mind, to run through his own day's work, and make out how he himself does his profitable thinking. One gets up in the morning, bathes, breakfasts, catches his car, all with so little mental effort that these routine acts perform themselves exactly as well when the doer's mind is occupied with other matters. After one gets down to his work, he relies on his learning, experience, sagacity, judgment — there is a Wisconsin decision covering this point; the voters will never stand this bill; the Joneses' baby will certainly pull through. But a man may manage a railway, write a best-seller, get elected to Congress, and do less actual reasoning than he did when he was a school-boy, beginning geometry.

Whoso thinks himself to be a reasoning creature, let him try to catch himself in the act. For my own part, I am proud to say that I have reasoned twice in the same week — but it may be months before I shall have occasion to do the like again. Once it was to locate the obstruction in the house drain, the other time to find why a door would not open. I am not used to such accidents, and they drove me to reason. But a plumber would not have had to stop to reason in the one case, nor a carpenter in the other. Both would have found the circumstances too familiar to demand any more complex mental tool than intuition. My dog would not have bothered his head about either matter at all.

The Case of the Cook and the Ice-Cream Freezer

But if it is difficult to catch one's self reasoning, it is almost impossible to detect signs of reason in the less intelligent members of the community. I tried the experiment, once upon a time, on my cook. After I had studied her vainly for weeks, she informed me, one

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day, that if I turned the handle of the ice-cream freezer backwards, the cream would unfreeze. She had been afraid to try it for herself, but she had seen kitchen clocks, and balls of string; she had selected the single point that all three have in common, and from that common property had spanned the gap into the unknown. It was the same sublime process as that by which Bessel predicted the discovery of the planet Neptune; the fact that the astronomer happened to be right is a mere detail.

In brief, then, we men reason only concerning the moderately unfamiliar. On the entirely strange we get no grip, while the known offers us no problems. The more uniform our lives, and the less our intellectual curiosity, the fewer occasions have we for reason. The beasts, whose lives are inexpressibly monotonous, and who have no intellectual curiosity at all, even if they had the power to reason, could hardly find a chance to apply it. If I were a schoolmistress teaching the rule of three, I might spend my entire working day in reasoning. If I were a horse or a dog, I should never so much as suspect the existence of the occasional matter that I now reason about.

Nevertheless, it does happen once in a while that an animal finds itself in a situation where, if the animal were a man, the inevitable course would be a simple piece of reasoning. The cat unlatches the door, the horse turns the button of the oat-bin, the dog takes the swing door with a rush to avoid the back stroke that pinches his tail. All these acts, and a thousand more, seem to imply reason. Many men, possibly most men, get such matters by reason.

In all such cases, however, the observer actually sees the result. The mental process he infers, and, as we now know, infers wrongly. But the modern experimenter does not infer; he sees. He does not wait for the beast to happen into the unusual situation in which alone reason is possible; he deliberately puts him there. Then, stop-watch in hand, and assistant at elbow ready to note down on the instant each detail, he explores the act from beginning to end; runs through, it may be, a thousand trials to test a single point; and makes more critical observations in a week than an outdoor naturalist or an animal-lover would make in several life-times.

The Proof that a Coon does Not Reason

One might dip almost anywhere into the literature of this subject. Cole, Berry, Kinnman, Small, Mills, Lloyd Morgan, Thorndike, Porter, Hamilton, Carr, Watson, Yerkes, studying cats, dogs, monkeys, rats, mice, chicks, English sparrows, have all followed the same general methods, and reached the same general conclusions. I choose for convenience the study that H. B. Davis, at Clark University, made of the racoon. This I select partly because it is new, and partly because it deals with an interesting and little-known animal.

Consider then the following case, typical of this particular coon, typical of all coons, typical of all other intelligent creatures that have thus far been studied. Coon No. 5 has been fed from a box with an outward swinging door, which he has learned to open in one second after it has been fastened by a bolt on the left side. The bolt is now removed, and the door closed by a lever on the right side of the door. Imagine for a moment what a man would do; then compare this with what the coon did.

Although the bolt had been removed, the coon continued to work away at the place where it had been, trying to push something where nothing was. He rolled over and over in the violence of his efforts, until he actually stood on his head to work. Then, by accident, his hind foot slipped off the corner of the box, and, hitting the lever, released the door. Next time he was hungry, like a wise coon, but not like a wise man, he got in front of the box, stood on his head, and pawed the corner of the box until his hind foot slipped again. Eight times he followed this procedure; then he discovered that, after his hind foot had struck the lever, an added push with his fore paws helped to expedite matters. At the twenty-eighth trial he discovered that standing on his head was not an essential part of the process, and took to earning his dinner right side up. Nevertheless, he persisted in putting his hind foot on the lever before pushing it down with his front paws.

In short, the coon hit the proper action by pure accident. Then, being a clever little beast, he kept repeating as many of these random movements as he could remember. Being clever, he used his hand to help out his foot. Being also scatter-brained, he forgot, on the twenty-eighth attempt, to stand on his head. Obviously, the coon did not reason. Yet if the right man had seen him for the first time when he was making the hundredth trial, and after he had forgotten to stand on his head, and forgotten to use three paws, and forgotten everything else except to put out one hand and push, what a story it would have made!

The coon was not reasoning; he was not even learning consciously, as a man learns. He was merely forming a habit. The proof of this

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may be found in any one of several thousand experiments; for example, the following:

Coon No. 1, confronted with a new fastening, opened it the first time in 180 seconds. The next trial took 81. That looks like learning; but it was not, for the third trial took 316 seconds. Gradually he forgot the movements that he had no need to make, until at the twelfth attempt he cut the time down to 6 seconds. But the fourteenth took 74. Then the animal caught the knack again, and six trials required from 2 to 4 seconds each. But the twenty-first trial took 60 seconds, and the twenty-second 30. Then the time fell rapidly to one second on the twenty-seventh and twenty-eighth trials. But the twenty-ninth trial took 65 seconds again. Only with the thirty-first trial was the habit finally formed, so that the coon could do the trick at once, every time.

The difference between learning a lesson and acquiring a habit comes out still more strikingly when the fastening is shifted over to the other side of the door. Evidently, if the coon had the least idea what he was doing, changing sides would not make any difference to him. As it is, he has to begin all over again and learn the trick from the beginning. To be sure, he does know better how to go to work, for this time he spends only forty seconds at most. But it is only with the thirty-sixth trial that the coon finally learns to do the trick back-handed. Moreover, if the animal has learned to undo a certain fastening when approaching from the right side, and then is made to approach from the left side, nothing whatever being altered about the fastening itself, even then he must begin all over again and learn a new set of movements. In short, he does not understand how to work the fastening at all, as a fastening; he merely learns to make certain movements.

How a Man Unlocks a Box, and How a Monkey Does It

Contrast this with the behavior of a human being. A young child, too young to reason, is put through the same test — and performs it exactly as the animal does. A grown man, under the same conditions, does one of two things. If he can, he reasons the problem out, and does it right the first time and forever afterward. If part of the apparatus is concealed, so that the thing cannot be reasoned out, then the man experiments deliberately, and having once got the point (this usually occurs by the third trial) does it every time thereafter. In short, the man either knows how to work the lock, or he does not know. There is no almost getting it, and then losing it again. The man knows when he knows: the animal does not.

This difference between the animal and the human idea of what constitutes "knowing" comes out nicely in another piece of work done at Clark University, A. J. Kinnman's study of rhesus monkeys, the Bandar-log of the "Jungle Book." The monkey, following the usual procedure, learned to get his food from a box, the lid of which fastened with a key. The key, however, could not be withdrawn from the lock. After the monkey had become familiar with the device, and could operate it as readily as a man could do, the experimenter took the key out of the lock and laid it on the floor in front of the box. The monkey picked up the key, played with it, but made no attempt to use it. Then the experimenter took up the key, and, fifty times in succession, with the monkey two feet away and watching every motion, he unlocked the box. The monkey would have starved before he imitated that simple act. He had learned to open the box by making certain movements; he had no idea of the key as an instrument in the process. We — sometimes — think instruments and means and causes; the animal thinks largely motions.

But perhaps the reader would like to try one of these experiments for himself. If so, there is a good one in the shape of an ancient joke which, I suppose, has been played on the house-cat ever since the days when the Pyramids were new. The materials are a hungry cat, a morsel of meat, and a wide-mouthed glass bottle, say a milk-jar. Put the meat inside the bottle, let the cat see it first through the bottom; then watch the struggle between the habit of going straight at things and the idea that it can't be done. In time, the cat will get its food — but the mental process by which it does so will not be within speaking distance of reason.

Golf-Playing an Example of Habit Learning

At the same time, neither cat nor coon nor monkey is by any means as different from ourselves, or as stupid, as it seems; for no small part of our own acts are done quite as the beasts do theirs. When we first took up golf, we slashed away as best we could, and when we did, by accident, make a proper stroke, we tried, as nearly as we could remember how it felt, to do it again. Sometimes we caught the knack, and were much puffed up. Then we lost it again, and said things. It was all precisely like the coon unlocking the box. All habit learning has its ups and downs, its off

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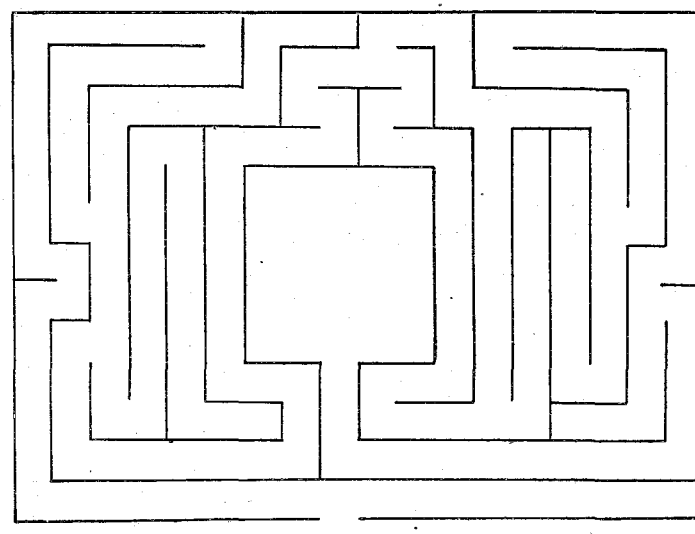

PLAN OF THE MAZE BUILT FOR WILLIAM III AT HAMPTON COURT

MODELS OF THIS MAZE ARE USED AT CHICAGO UNIVERSITY TO TEST THE MENTAL POWERS OF ANIMALS. THE ANIMAL ENTERS BY THE OUTER OPENING AND FINDS ITS WAY TO ITS FOOD IN THE CENTER SPACE

days, its upsets from little alterations of circumstance. Nor is it, for me at least, to despise the coon because he is bothered when the bolt is shifted to the other side of the door and all his motions are reversed. I am a fair swimmer, left side down — though I am never sure that it is the left side unless I imagine myself in the water. But let me try to swim on the right side, and straightway I am sorely put to it to keep my head above water at all. As for the Bandar and his key, ask any housekeeper why some faucets open with a quarter turn and some do not, and see how much more she knows about the reasons of things.

Whoso, therefore, would know how his dog's mind looks from the inside, let him put his hands behind him and tell how he buttons his coat. We select the garment more or less wisely; we do not know how we put it on. Not all of us, indeed, have noticed that the coats of our sisters and wives button on the opposite side from ours. Few of us have ever considered why. By a course of unconscious, blundering "trial and error" we have acquired a correct habit, but we do not know in what the correctness consists. In all this we are very much on the animal's level. The key to the animal mind is what we do in the morning, before we start for the office.

The distinction, then, between the way we learn dancing and the way we learn algebra, at once makes clear many paradoxes of animal behavior. Professor Thorndike of Columbia University, for example, trained his cats to escape from a box by unlocking a somewhat complex fastening. The reward of success was a piece of fish. Thorndike discovered that if he compelled a cat to walk into the box the animal soon learned, whenever it was hungry, to enter of its own accord, wait to be locked in, release itself, and get its food. If, on the other hand, instead of making the cat walk into the box, he picked it up and put it in, then the cat never learned to enter of itself. In short, the cats arrived quickly enough at the idea walk-into-the-box-and-get-food: they were quite incapable of grasping the idea be-in-the-box-and-get-food. Where the man thinks, so to say, with his eyes and ears, the cat thinks with its muscles.

Training the Muscle-Memory of Rats

Or take this curious example of muscle memory. W. S. Small, another Clark University man, in putting rats through a maze, found that blind rats learned their way almost as quickly as normal animals; and having once learned the path, they remembered it quite as accurately, and followed it with as little hesitation. Evidently, therefore, neither sort had learned the maze as a mental picture. Both alike knew it as a habit of certain straight runs and turns.

Carr and Watson, working on the same problem at the University of Chicago, devised an ingenious experiment for testing still further this fundamental point. They built a maze on the principle of the trombone, so that four of the dozen or more passages could be lengthened or shortened at will. Seven rats, one of them blind, were trained until they could run through the maze without error and at full speed. Then the adjustable passages were made two or three feet shorter. Every one of the seven rats, in broad daylight, smashed into the end walls of the shortened passages. Moreover, it took just about as long to relearn the path as it had taken to master it in the first place, while an animal, though letter perfect on its last trial on one day, might go full tilt into the end wall on its first trial on the next.

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Not only this, but in reacting from the long-run habit, the rat tended to turn too soon and so run into the side wall. Only with considerable practice could it hit the distance right. Stupid, to be sure; yet how exactly like the duffer at golf who, having topped his ball at one stroke, digs up the sod at the next, though he looks straight at the ball all the time!

One can easily guess what happened when certain passages of the maze were made longer. The rats ran their customary distance, then turned and butted into the side wall. Even after they learned the new habit and ran the maze correctly, they still swerved slightly at the old turns.

All this does not seem especially sapient on the part of the rat — but try altering the length of a tennis court, and then watch a good player reel off double faults. It is not a question of the amount of intelligence, but of the kind of memory. For the rat, the Hampton Court Maze is a leg-memory. For most of my readers who are interested to puzzle out the outline plan, it will be an eye-memory. For me it chances to be neither, but the verbal formula, "start to the left and when in doubt turn toward the outside." The first sort is the great stand-by of the beasts. The second seems to be the commonest form among men. We slaves of the typewriter are apt to do most of our remembering in words. But the musician who plays a long piece without notes has a habit-motion memory which quite outdoes that of a barnful of rodents.

Many are the pitfalls that beset the path of the student of animals who forgets the difference between the picture-memory of the man and the habit-memory of the beast. The horse finds his way home in the dark, with the reins on his neck and his driver completely bewildered. Ergo, the horse can see better in the dark than the man. But it does not at all follow. The man knows the way by the look of the places where he turns. The horse — and the blind man — knows it as a series of habitual acts. We do not consider the musician owl-eyed because he plays to us in the twilight.

The Animal's Almost Inconceivable Ignorance

By way of these considerations, we come back to the point with which we started. The certainty that the animal does not reason lies in the nature of its memories. All reasoning is from the known to the unknown. But no matter how much any man knows, he is able practically to reason only from so much of his information as is stored up in the form of words, aided at times, and to some small degree, by mental pictures. What he knows as sounds other than words, as smells, tastes, and habits, is most useful and important for other purposes — but he cannot use it for reasoning. We know by experiment that animals do not reason; we know by introspection that they never can.

After all, however, the great disadvantage about learning habits instead of learning words is that learning habits is such desperately slow work. To know a thing only by doing it for one's self over and over again until the act becomes automatic is quite a different matter from being told once for all by somebody else. If a man lives ten times as long as his dog, and meanwhile picks up knowledge one hundred times as fast, the mental condition of the two will be different enough at the end of the chapter. We never understand animals until we understand that along with a sagacity often hardly less than our own, and a morality sometimes superior, goes an almost inconceivable ignorance concerning matters of fact. The fallacy of the nature-faker is, in part, this. He sees correctly enough that the beasts are clever. He assumes therefore that they are wise; and attributes to them information that, under their limitations, Herbert Spencer could not obtain. The fallacy of the animal-lover is like it. He sees that the animal is good (for character, being largely a matter of habits, is quite attainable by the dumb tribes), and then to the real industry of the horse, and the real devotion of the dog, he adds the quite imaginary knowledge of the man.

Lloyd Morgan's Story of the Cow and her Stuffed Calf

I know of no better single illustration of the animal's point of view than Lloyd Morgan's story of the cow who would not stand to be milked unless she could lick her calf meanwhile. A succession of offspring had stereotyped this absolutely irrational habit until, by ill fortune, one of her calves died. There is no reason why a bereaved mother should mourn her loss just at milking-time; but there was the fixed habit of making certain motions. The farmer, however, was a practical psychologist. He stuffed the skin of the calf with hay and let the cow have that to lick. To be sure, the hay calf had neither head nor legs — but a cow has no general ideas concerning the nature of calves, nor any special reason for assuming that calves should have heads and legs. It felt right; and it smelt right. It enabled her to go through the customary motions at milking-time. Therefore it was sufficient. "By

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dint of caressing and licking her little calf, the tender parent one fine morning unripped it. The hay issued from within, and the cow, manifesting not the slightest surprise or agitation, proceeded tranquilly to devour the unexpected provender." Whoso gives heed to the lesson of this story is proof against the animal anecdote.

That the beast learns acts, not ideas, is a matter thoroughly understood by animal-trainers — whatever they may tell the public. When the performing lion, instead of jumping through the hoop, becomes confused and proceeds to mangle the trainer, the man appeals neither to his affection nor to his fear. He gives the signal for the next act, and the lion, like a well-oiled mechanism, takes up the customary routine.

The Horse So Stupid that He can be Taught Anything

Consider this paradox of animal-training. There have been on exhibition, at various times, horses who are — apparently — prodigies of mathematical insight — who can do anything with numbers that the trainer can do. Yet we absolutely know that no animal can so much as count at all. Furthermore, it is always the horse that performs these marvels, though the horse is the most utterly stupid of all the dumb creatures that man has made his friends.

That is precisely why the horse is always taken to be made into an arithmetician. He is so stupid that he can be taught anything,— any habit, that is,— and having no mind to be taken up with his own affairs, can be relied on to do exactly as he is told.

All these arithmetical fakes, whatever their details, are worked in essentially the same way. The horse is taught, by endless repetitions, some mechanical habit. A given signal, and he begins to paw the floor. Another signal, and he stops. Press the proper button, and he takes a sponge and rubs it over a certain spot on a blackboard, or picks up a card lying in a certain position. That is all he does. The meaning of the act exists for the spectator only. The pawings count the answer to a problem in addition, the card bears the reply to a question. But the horse does not know it. He merely follows a blind habit, just as he will stop when you say, "Whoa!" though you interpolate the word into your recitation of the Declaration of Independence. The reason why the horse is so available for this particular deception, and so generally useful to mankind, is that he possesses just the right degree of stupidity. If he were stupider, he would be less plastic to acquire convenient habits. If he were cleverer, he would acquire too many habits for himself, and live too much his own life, like that particularly clever animal, the cat. The brightest children, likewise, are sometimes hardest to bring up.

How We Know that Animals Cannot Count

I have said that no animal can count. Perhaps it is worth while to tell also how we know. Obviously, they do not count one, two, three: for they have no words. Counting, however, could be done equally well with the fingers, or on the teeth, or in any other of a dozen different ways — provided always that some word, or object, or position, or movement, is made the sign of each number. Now, no animal has ever been known to employ arbitrary signs of any sort, still less has any animal ever been seen counting. Moreover, just as in the case of reasoning, we now know the precise way in which habit may give the deceptive impression of enumeration.

Most of the animal psychologists whom I have already cited have, along with their other experiments, tested their subjects' ability to handle numbers. The method is usually this: The animal is confronted with a row of five, ten, twenty dishes all exactly alike. His food, let us say, is always placed in the fifth from the right-hand end. The animal is given ample time to learn the fact. If, now, he always picks out the fifth dish, he probably counts. If, on the other hand, he frequently blunders and tries the fourth and the sixth, then he has merely formed a habit of going about so far along the line.

The two thousand tests to which James P. Porter of Indiana University subjected two English sparrows shall serve as the type of all. They proved beyond question that the sparrow does not count. After a bird had been given its food one hundred times in succession from dish number five, in the next twenty trials it went only nine times to the proper place. Moreover, after the bird became pretty certain of the situation of the desired dish when he came to it on the wing, walking up to it threw him all off again; while if he started his flight from a point to one side of his usual perch, he was likely to hit correspondingly to one side of his objective point. The sparrows guessed numbers better than most creatures who have been tested; they could not count certainly even two.

Neither instinct, then, nor reason is the key to the animal mind, but habit. The animal forms habits precisely as we do, and, precisely like ourselves, stores up as habits many com-

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mon experiences of life. The difference is not so much that we have fewer habit-memories than the beasts, for we probably have more. Nor is it that we use them differently. The difference is that what for us is a mere side line is almost the entire stock in trade of the beast. We are, all of us, men and beasts alike, bundles of habits; but the man has more other things wrapped up in the package.

So it happens that we are always making one or other of two mistakes. An animal acquires a useful habit, slowly and with many trials. After he has it thoroughly learned, we see him perform it. If we see it once, we say, "Lo, an act of reason." If we see it many times, we say, "Evidently a case of instinct." But no living being, save occasionally a man, ever acts both uniquely and right except by accident. Whoever reports differently is mistaken.

Whoso, then, would grasp the import of experimental comparative psychology, let him give heed to Charles Lamb's "Dissertation on Roast Pig." There we have the way the brute mind works. The animal and the primitive man alike may learn to roast their pigs in electric ovens; they both have to begin by burning down the house.

THE EMIGRANT

BY

WALTER PEIRCE

THE land in purple distance dies,
And flowing leagues of sea
Grow wide about the whitening path
That parts my home from me.

The stars shine white at dawn; the sun
Burns through the leaden gray;
The sun dies out; the stars gleam pale,
And so day follows day.

And now about our reeling mast
The sea-gulls wheel and scream;
And through the dusk new land looms dim
As a remembered dream.

And I would rather face again
Those wastes of weary sea,
Than step upon that alien shore,
Where no man waits for me.

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THE PALATINE

(IN THE "DARK AGES")

BY

WILLA SIBERT CATHER

DECORATIONS BY T. M. CLELAND

"HAVE you been with the King to Rome,
Brother, big brother?"
"I've been there and I've come home.
Back to your play, little brother."

"Oh, how high is Caesar's house,
Brother, big brother?"
"GOATS about the doorways browse;
Night hawks nest in the burnt roof-tree,
Home of the wild bird and home of the bee.
A thousand chambers of marble lie
Wide to the sun and the wind and the sky.
Poppies we find amongst our wheat
Grow on Caesar's banquet seat.
Cattle crop and neatherds drowse
On the floors of Caesar's house."

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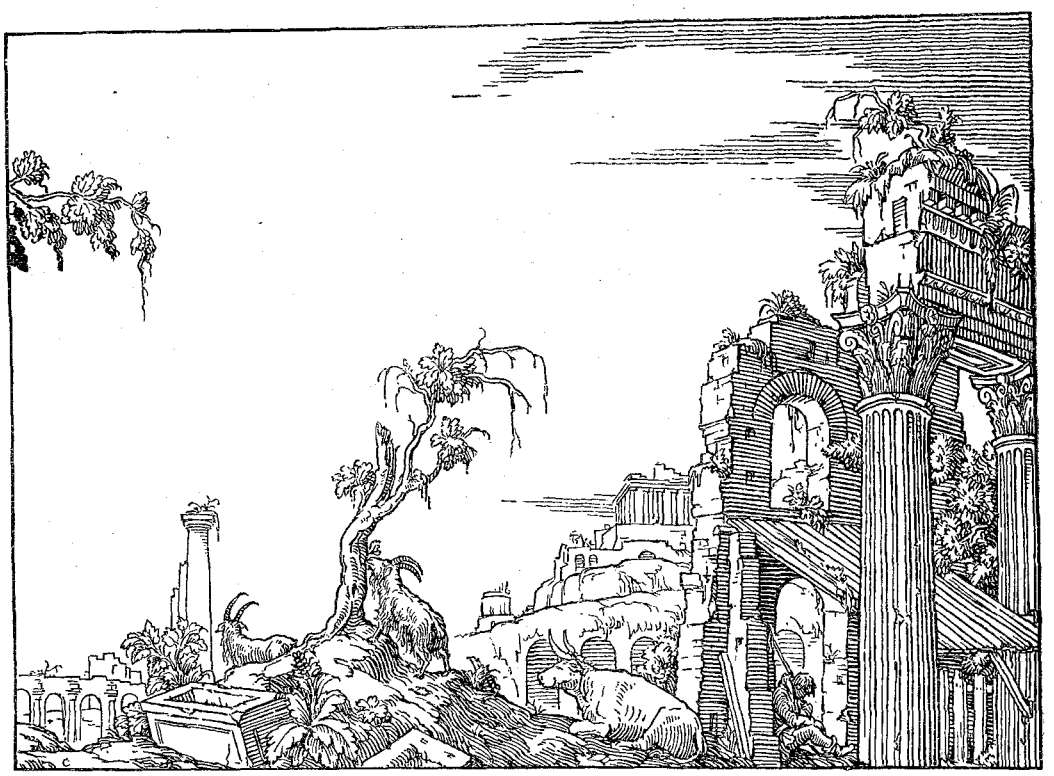

"But what has become of Caesar's gold,
Brother, big brother?"
"THE times are bad and the world is old—
Who knows the where of the Caesars' gold?
Night comes black on the Caesars' hill;
The wells are deep and the tales are ill.
Fire-flies gleam in the damp and mold,
All that is left of the Caesars' gold.
Back to your play, little brother."

'What has become of the Caesars' men,
Brother, big brother?"
"DOGS in the kennel and wolf in the den
Howl for the fate of the Caesars' men.
Slain in Asia, slain in Gaul,
By Dacian border and Persian wall;
Rhineland orchard and Danube fen
Fatten their roots on Caesar's men."

"Why is the world so sad and wide,
Brother, big brother?"
"SAXON boys by their fields that bide
Need not know if the world is wide.
Climb no mountain but Shire-end Hill,
Cross no water but goes to mill;
Ox in the stable and cow in the byre,
Smell of the wood smoke and sleep by the fire;
Sun-up in seed-time — a likely lad
Hurts not his head that the world is sad.
Back to your play, little brother."

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THE CONSERVATION OF THE DEFECTIVE CHILD

BY

MARION HAMILTON CARTER

ILLUSTRATED WITH PHOTOGRAPHS

ON a certain afternoon in March, 1896, Miss Margaret T. Maguire, a grade-school teacher in the Philadelphia public schools, went to the psychological laboratory of the University of Pennsylvania accompanied by a lad of fourteen — a well-mannered, intelligent lad, industrious in his school work; one of her favorite pupils, in fact. Yet this lad was the "bogy" of the teachers who for seven years had had him in their classes: he was a chronic bad speller. This does not mean that he misspelled some words sometimes. He misspelled every word always, and did it in the same careful and serious manner with which he recited the history lesson he loved. His reading was as bad as his spelling; he was absolutely incapable of getting through a single sentence correctly, *a, an, and, the,* and a few three-letter words being the net result of his seven years' schooling. He read *saw* for *was, water* for *weather;* wrote *htat* for *that, soas* for *soap,* and other picturesque combinations of the sort in endless variety. His case seemed hopeless. As a last resort Miss Maguire appealed to Dr. Witmer, the head of the laboratory, to see if he could find out what the trouble was and suggest any remedies she could apply in the school-room.

Poor Eyesight Often the Cause of Poor Spelling

Dr. Witmer made a long examination, the result of which was the discovery that Charles Gilman had an ocular defect never, in all these years, so much as suspected by either his parents or his teachers: *at the distance of about three feet the boy saw everything double;* "he lacked the power to direct the two eyes coordinately upon the same point in space, the left eye looking a little higher than the right." A page of ordinary print was thus a blur; whenever he attempted to write, the words doubled under his pen. Curiously enough, he had never mentioned this peculiarity — he seemed to think it the natural process of vision. And he had repeated three whole years of school work on this account alone. Seven years in the school-room, and nobody had discovered that Charles Gilman could not see! He was fitted with glasses and later operated upon; then for the first time in his life the printed page and the words he was tracing with his pen were clear. But his reading and writing and spelling were just as bad as ever! The oculist had removed the *defect* — he had not removed the *effect* of the defect: that was in the boy's mind. And it was here that the psychologist came to the rescue by showing just what the effect was and how to remedy it.

Now, it is an obvious truism of daily life that in order to recognize a thing when we see it again, we must have seen it, at least once, clearly and distinctly: a mental image of it must have been left in the mind. Reading is simply a rapid-fire recognition process by means of the stored mental images of words. Charles Gilman had no store of images of words, for he had never seen any — he had seen only blurs of words. He was even worse off than the child just groping its way through the primer, for he had to unlearn the blurs he had patiently acquired through those seven years when nobody knew what his trouble was; then, word by word, he had to re-stock his mind with the images of the words shown him through his glasses. Worse still, when the defect was discovered, the formative period — the time when the mind most easily acquires and retains such impressions — was past. In spite of this handicap, the boy learned to read, write, and spell, and was finally graduated from the grammar school only three years later than he should have been; which was better than not being graduated at all.

The sequel to the story has a touch of pathos. At twenty-one Charles was stricken with tuberculosis of the joints and muscles, and died a few years later. His great pleasure, after he

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had given up the art work to which he had devoted himself, was reading.

Charles Gilman's case is especially interesting because it is probably the first of its kind in this country where a psychologist was called in to diagnose poor spelling and reading. He, after the teachers and parents had failed, discovered the cause of the trouble, explained the nature of its results in the boy's mind, and suggested the remedy by which the teacher effected the cure. Many similar cases have since been taken to the laboratory, and although Dr. Witmer will not say there is no other cause for poor spelling but defective eyesight, he does say, emphatically, that defective eyesight was associated with all the cases examined. But no matter how well the oculist may do his part, he can only start the cure: the poor speller must go back to the beginning and take in a fresh supply of words. And Charles Gilmans by the thousand sit in the school-rooms of the country, painfully toiling over pages they never see, miserably repeating years of work they never benefit by. In Chicago it was recently found that on entering school at the age of seven, 32 per cent. of the pupils had defective eyesight; the same is true in Minneapolis; and in New York City, Dr. Cronin states, "over 30 per cent. of the school children are suffering from gross forms of defective vision." Most of the eye troubles could easily have been corrected by glasses, and if this had been done in the beginning, the children would have progressed through the grades at the normal rate. "These pupils," says Dr. Neff, in his report to the Health Bureau on 1267 children examined in Philadelphia, "as evidenced by letters from the teachers, showed an absolute absence of progress in many cases, some of them having spent their entire school life in the first grade; and, of course, many of these so-called 'mentally deficient' children interfered with the progress of their fellow pupils. Often their tendency was toward incorrigibleness. After treatment, almost all these children began to improve at once. Many were removed from special schools to regular schools, and the tendency toward truancy passed away. The majority have made rapid strides since."

We may state as a general proposition that the actual *amount* of defect does not measure or predict the amount of disadvantage, suffering, or retardation sustained by the child. Secondary effects in disposition and character are often more serious and far-reaching in their consequences than the primary effects of the original trouble.

Locating the Defect of a Backward Child

But to return to Dr. Witmer. The work begun the day Miss Maguire took Charles Gilman to the psychological laboratory grew of its own accord, the news spreading from teacher to teacher. Parents heard of it and brought children for expert opinion — strange little creatures, some chattering an inarticulate language, some not speaking at all; some with flashes of intelligence, some with none — stupid, backward, imbecile, idiotic children. Why were they different from others? Could the psychologist find out? And was there any hope that the little one would some day be "all right"?

Often the examiner has to shake his head — the family history and a look at the face of the vacant, helpless object in its mother's arms tell him that there is no *mind* to do anything with; on the other hand, many cases already pronounced hopeless by the physician are found to offer very promising material, once the psychologist has located the initiating causes of the trouble and mapped their mental results. His work, therefore, begins with the physical mechanism; that known, the reaction of its imperfections is traced out in the mind. Sight, hearing, taste, smell, touch, motor control, inhibition, breathing, heart action, muscular strength, are measured by precise instruments devised for the purpose; the general health, nutrition, sleep, exercise, home surroundings, and family history are inquired into; attention, memory, will, association of ideas, interest, observation are tested; and by that time the examiner has a pretty good idea of the disposition of the young subject — his moral quality. Everything is recorded, tabulated, systematically arranged. The examination is a long one, sometimes taking several visits to complete, for the psychologist must get a clear answer to his question, Is the difficulty due to a defect in a sense organ; or is it due to defects in the general health and the nervous system; or is it in the mind itself? The answer determines the line along which the cure is to be projected.

Children Who Cannot Articulate

The poor articulation cases, which are very numerous and often little understood, illustrate the method. A supposed imbecile is taken to the laboratory. Although he is nine years of age, his language consists of a few meaningless sounds, yet he seems by his actions to be trying to communicate something by means of them. The idea of his imbecility is confirmed, to the parents' and teacher's minds, by the violent outbursts of temper to which the child gives way, particularly when he has failed to make himself understood. A glance at the eager little face puts the psychologist on his guard against the imbecile theory — the temper out-

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bursts may be secondary effects. Half an hour's testing shows a bright, active intelligence struggling against a terrible infirmity. The trouble, then, is due to one of three causes: structural peculiarities of the speech organs, which make it impossible for the child to give forth articulate language, though he hears it and knows how it ought to sound; or deafness due to disease of the ears or to adenoids — in this case the child never hears anything but blurred words, and he therefore reproduces nothing but blurred words when he tries to speak them; or the trouble may be in the *mind:* the hearing, say for the ticking of a watch, may be normal, even acute, but the hearer cannot distinguish between tones; all but elementary vowel sounds and a few consonants are alike to him. In this last case, the little patient both hears and speaks by word signs rather than by words; *right, might, flight, kite, white* are to him just ī and nothing else; *bear, pair, hair, there,* are *ai*(r), the final *r* not being heard or sounded.

Each of these articulation types requires special treatment if the child is ever to talk so that he can be understood; but getting at the real difficulty here, when the physical defect is small, is often a tedious piece of work for the examiner. The hearing is first tested with the audiometer, an instrument so devised that the turning of a stop-cock delivers exact quantities of sound to either ear, the child, of course, not knowing which. He thus has no chance to use his imagination, and if he tries to "piece out" by what he thinks he ought to hear, he is at once detected. After this he is tested with lists of words, embodying every combination of vowel and consonant at the beginning, the middle, and the end of one or two syllables,— *b*a — a*b*, *b*o — o*b*, *ch*eek — pea*ch*, *d*ash — ha*d* — robbe*d*,— yards upon yards of words like these; and as he hears and reproduces the various sounds — or fails to do so — a mark goes down on a big prepared blank. The examination over, the blank shows that he manages, perhaps, *b, sh, f, m, n* pretty well at the beginnings of words; but *p, d, k, wh, th, s, z, y, l, r* he cannot pronounce at all. When asked to say *v* and *r* he gives *w*; *k* for *t*; *p* for *b*. He cannot distinguish the slightest difference between *l*ate and *r*ate, etc. Fundamentally, his trouble is the same as Charles Gilman's: he has no memory images of words, only images of blurs; Charles *saw* the blurs, Frank *hears* them. Fundamentally his treatment is the same as Charles Gilman's — he must take in a new stock of ideas. Sound by sound, the letters must be repeated to him till the correct image is formed in his mind; sound by sound, thousands of times, he must try to repeat them aloud after his trainer until they become automatic parts of his speech. It may take months; it may take years; but — patience! — the psychologist knows it can be done, because he knows how it must be done. And the day comes when Frank can talk as everybody talks.

A Child's Speech Ruined by Baby Talk

Once in a while a rare stammering case comes to the laboratory where there's nothing the matter with the *child* — the matter is with his dear mama! In 1905 Dr. Witmer examined a boy of twelve who talked baby talk — a bright, alert youngster, to all appearances normal. But nobody could understand a word he uttered — except mama: *she* understood it all perfectly. "I — aw — ow — ay" was to her ear "I want to go out to play," as plain as anything could be. It was her tender custom to reply likewise, and she took pride in the thought that she had "never allowed *her* Willie to associate with the children on the block." She had encouraged him to be her baby and "kept him from growing up too soon" by prattling to him.

Except for his unintelligible language, the examination did not reveal a defect, physical or mental, in the boy, and Dr. Witmer was forced to the conclusion that the trouble lay in the *persistence of an infantile habit of articulation* for which the mother was solely responsible. Through sentimentality and over-indulgence, "she had almost ruined his chances for a useful and possibly successful life." (Psychological Clinic, March, 1907.) Months of painstaking, expert labor had to be expended upon him, to break up the habits his mother had carefully developed, before he could even begin to make himself understood by any one else.

After his success with Charles Gilman and a few others, Dr. Witmer had so many demands for psychological examination that he was obliged to set apart a special time for it — two afternoons and Saturday morning each week — and thus the Psychological Clinic was established. It is now a regular feature of the work of the Psychological Department. Associated with the psychologist are eye and ear specialists and neurologists, besides teachers, school superintendents, and principals who have become interested in the work through cases coming under their own observation. Always the idea is the *individual child.* In this, Dr. Witmer's work may be looked on as in a way the antithesis of the work done at Clark University by Dr. G. Stanley Hall and his disciples. Dr. Hall has mapped out broad features of childhood and youth; has given us illuminating views of in-

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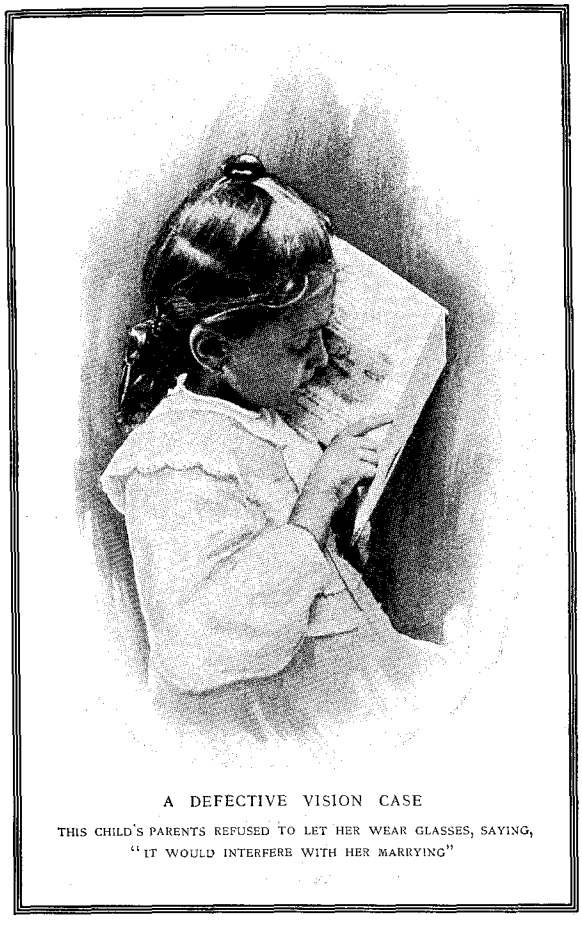
dividual performances with reference to featural aspects — interpretations according to types. Dr. Witmer is engaged in applying the methods of the laboratory to the special child. Each, to him, is a "case," to be studied in detail before a diagnosis, much less a prognosis, can be reached. To follow up both satisfactorily he soon found that he needed a sort of hospital-home-school for temporary treatment, training, and observation. Many mental difficulties did not come to the surface in one or two laboratory visits; the child's real capacities and failings could not be clearly determined until an attempt was made to teach him something. In some instances a few days are sufficient; in others, weeks, a month, six months, even a year of experimenting and observation are necessary before a difficult case can be pronounced either curable or hopelessly imbecilic.



A DEFECTIVE VISION CASE

THIS CHILD'S PARENTS REFUSED TO LET HER WEAR GLASSES, SAYING, "IT WOULD INTERFERE WITH HER MARRYING"

A School Where the Minds of Defective Children are Made Over

In July, 1907, through the liberality of Mrs. J. Lewis Crozer, a fund was provided that enabled Dr. Witmer to start such a school as he needed — a home where proper food, baths, massage, and open-air life could be regulated on hygienic principles side by side with the mental development. At first, a small house in West Philadelphia was fitted up, and two trained nurses were put in charge. During the summer months the children went to the University to school, where they were taught by Miss Town and Miss Boughton from nine to twelve, the remainder of the day being devoted to the physical side of their development. Sloyd was introduced, which proved extremely valuable; for many children who were indifferent, uninterested, mentally defective, and without the energy to learn ordinary school studies, became keenly alive and began to put forth considerable mental effort when given raffia and other light manual work. Instruction was almost altogether individual.

The Hospital School is now located in a large double house, with six pupils in residence. The mental training, as well as the physical and hygienic care, is conducted under the direct charge of Miss Margaret Repplier, assisted by two teachers, a trained nurse, and an assistant nurse, who help the children to dress and undress and bathe, and otherwise look after their physical needs. When they first come to school some of them are unable to put on their stockings and shoes; some cannot even feed themselves at table. Yet none are either imbecilic or idiotic, for Dr. Witmer will not admit to the school any child who does not seem to have a fighting chance to amount to something in the end. In spite of the large corps of assistants, *the school is limited to seven pupils* — an important point to be noted. After long trial Dr. Witmer reached the conclusion that under ordinary conditions six or seven defective children are as many as a single trainer can superintend at one time. The school must be a home first of all, but a home presided over by a "scientific mother," not an amateur.

An important feature of the work is the care with which the records are kept; each case, studied and cured, is thus a sort of pattern for the next. But no two are ever quite alike, and the children's troubles vary from some small and easily discovered defect, to such a tangle of defects, with their primary and second-

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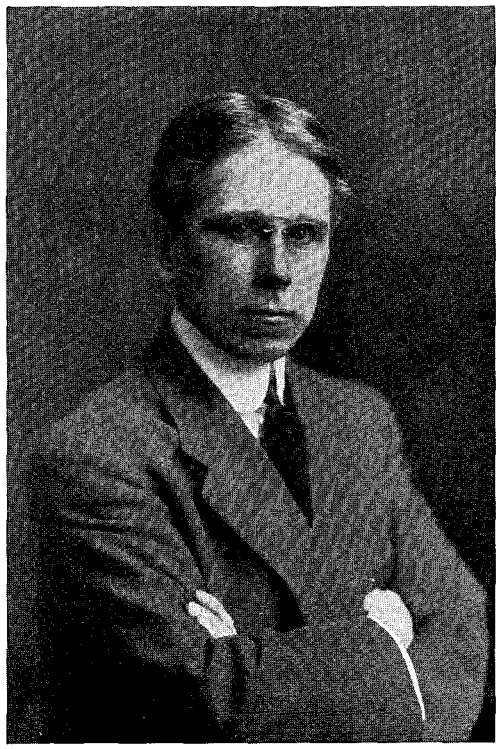
ary effects, that only an expert can unravel it and start the child in a normal, happy growth.

The Case of Fanny, a Russian Jewish Child

A case of the latter kind was brought in to the laboratory about two years ago by one of the visiting nurses in the public schools — a little Russian Jewish girl, one of seven children living with their parents and a dog in two nine by fourteen rooms up an alley. In the living-room of this home stands a table covered with black oilcloth, on which plates of brown bread and glasses of tea are exposed to dirt and flies throughout the day. No meals are prepared; when the children are hungry they help themselves to what may happen to be on the table. Fanny, one of the younger children, had highly defective eyesight, very bad adenoids, and was deaf; she was poorly nourished, dull, sullen, unable, or unwilling, to answer questions (which very likely she did not hear); she was difficult to interest, and suffered from a great deal of mental confusion; her shyness was so excessive that it had developed into an obstinacy which made it almost impossible to teach her. She had been two years in the first grade of the public school, without having made any appreciable progress, and was about to repeat it for the third time, when she attracted the attention of the nurse, who thought something might be done for her.

A more unpromising case could hardly have been selected for experiment; nevertheless, Dr. Witmer took her. First her eyes were fitted with glasses; next, she was sent to the Polyclinic Hospital, where Dr. Packard operated for adenoids and enlarged tonsils. Within two weeks her improvement in appearance was so astonishing that Dr. Witmer decided to admit her to the Hospital School. Nourishing food, baths, massage, fresh air, exercise, and friendly care brought her up rapidly. She became active and happy. Her childish confidence was won; after that she was taught, sound by sound, to speak. She had good visual memory and quickly learned to read and write. Three months after the first, a second operation was required, as the adenoids had reappeared. In spite of this setback, the child's improvement was so wonderful that she was entered in a regular grade of the public school, where her progress has since been that of a normal child. While I talked with Dr. Witmer she came trotting into the laboratory to show him her report card and tell him all about "Teacher." I did not for a moment suspect that she was a "case"; I took her for an ordinary little chatty child, possibly of one of his University colleagues — a child of good home training and surroundings. Though she is now in the public school, she has not been returned to her family, for the influences there would undo most of the work already accomplished.



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DR. LIGHTNER WITMER

PROFESSOR OF PSYCHOLOGY, UNIVERSITY OF PENNSYLVANIA, AND FOUNDER OF THE PSYCHOLOGICAL CLINIC

Curing a Moral Defective

A little while before Fanny was treated, Gertrude B., who came from a county poorhouse, was passed over to the Children's Aid Society in Philadelphia. The Society put her in a boarding-house together with several other children. In both of these places she had shown herself a menace to the other children, biting and slugging them on the smallest provocation.

When Dr. Witmer first saw her, as he passed through the laboratory where she was waiting, he thought her a mental and moral de-

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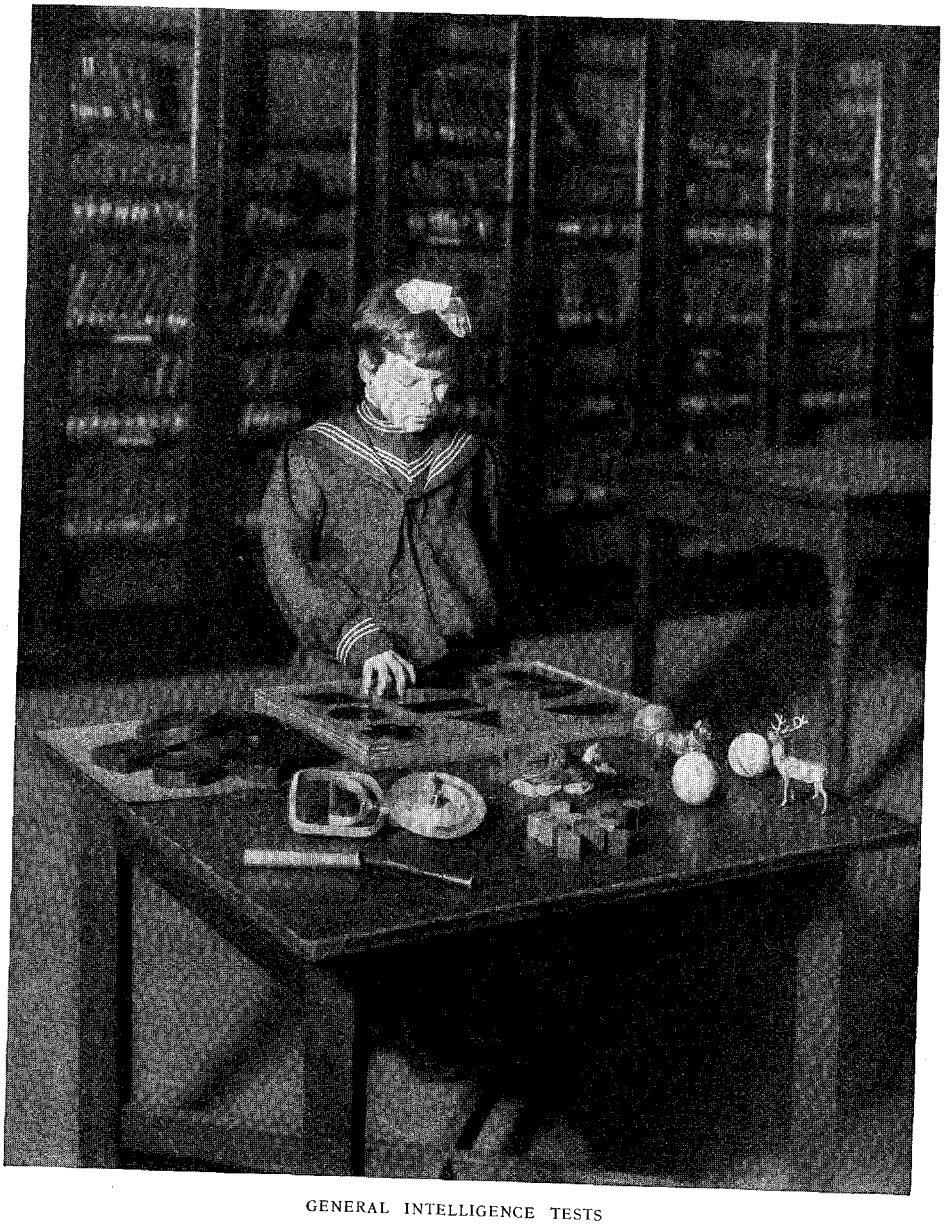

GENERAL INTELLIGENCE TESTS

ON THE TABLE ARE A GALTON WHISTLE FOR TESTING THE UPPER LIMIT OF HEARING; A DYNAMOMETER FOR TESTING THE GRASP OF THE HANDS; COLORED WORSTEDS *AND BLOCKS FOR* TESTING COLOR SENSE AND NUMBER; TOYS TO TEST COMMON KNOWLEDGE, PLAY, INSTINCTIVE REACTIONS, AND COÖRDINATION; AND THE FORM-BOARD, WHICH IS ONE OF THE BEST TESTS FOR DISTINGUISHING THE FEEBLE-MINDED CHILD FROM THE BACKWARD CHILD OF NORMAL INTELLIGENCE. THE FEEBLE-MINDED CHILD TRIES THE BLOCK IN EVERY COMPARTMENT *TILL HE* DISCOVERS ITS PROPER PLACE; THE NORMAL CHILD DISCOVERS THE RELATION BY VISION FIRST, THEN PLACES THE BLOCK WITH CERTAINTY WHERE IT BELONGS

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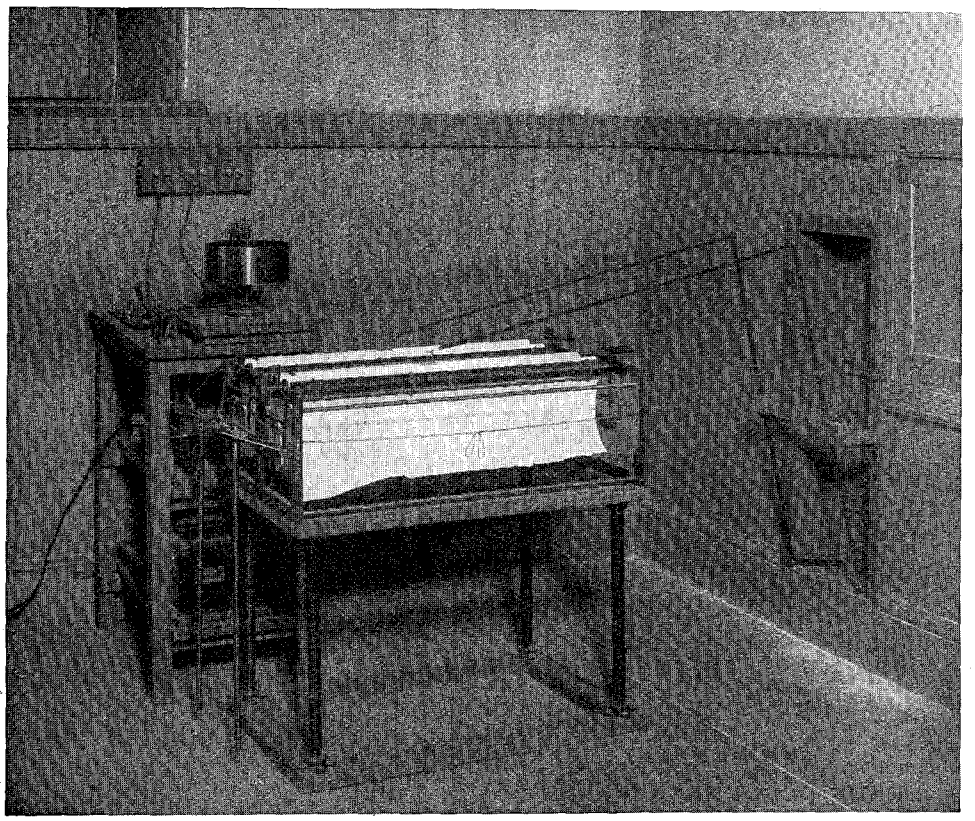

KNEE-JERK APPARATUS

WHEN THE TENDON BELOW THE KNEE-CAP IS TAPPED, THE MUSCLES OF THE THIGH CONTRACT AND THE FOOT IS VIGOROUSLY SUBJECT'S HEELS ARE LIGHT WOODEN RODS RUNNING INTO THE NEXT ROOM, WHERE THEY OPERATE SPECIALLY CONTRIVED HAMMERS STRIKE THE TENDON EVERY FIFTEEN SECONDS, THEIR WEIGHT AND THE DISTANCE THROUGH WHICH THEY

generate, but, on examining her, found to his surprise that her mind was a good one. Suspecting that her moral nature might be different from the "character" she had been given, he got out some toys and a doll. The little girl went almost wild with joy — she had never had any toys in her life. She showed the normal human instincts here, at any rate.

Now, the physician whom the Children's Aid had called in gave it as his "expert opinion" that Gertrude was a mental and moral defective, dangerous to keep with other children. Dr. Witmer's diagnosis was: "Imaginative, active, self-reliant, purposeful — a valiant little soul, fighting like a rat in a corner against the conditions of poorhouse life." So, in spite of the physician, Dr. Witmer admitted her to the Hospital School, and put her on the "humanization cure," her first "medicine" being a doll of her own. In two weeks the "cure" had worked such results that she was entered in the public school. But she needed more individual training to make up for her past life than the overworked grade teacher could give her, and she has been taken back to the Hospital School, where she is making rapid progress and conducting herself to the satisfaction of every one. The very qualities that made this child a "menace" and a "moral defective" in the poorhouse, where her active, affectionate nature had nothing to satisfy its cravings, are the promise of a fine, efficient womanhood.

Fanny and Gertrude are the children of abject poverty, and their treatment is provided for by persons who have become interested in them. Clarence is the child of wealth, brought to the school as a last hope. An imbecile to all appearances, with open mouth and expressionless face, this boy, at the age of eight, spent the greater part of the day whimpering at his mother's side. No discipline had ever been given him; thinking he had not long to live, his

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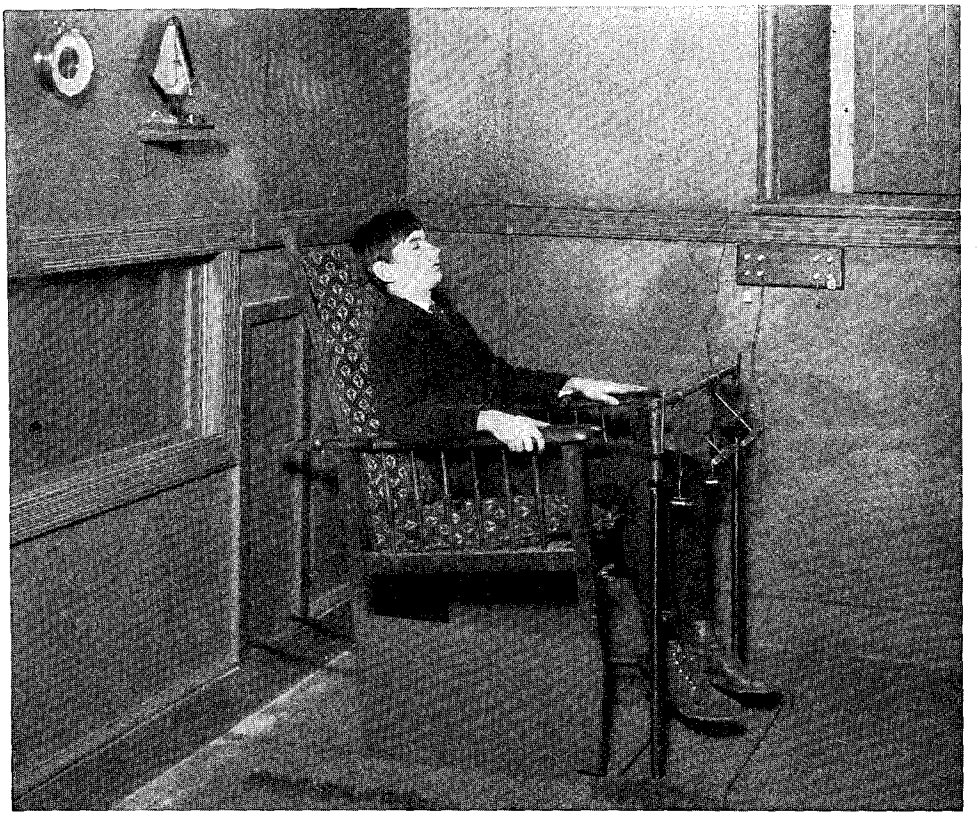

IN ADJOINING ROOMS

THROWN FORWARD. THE AMOUNT OF THE KICK IS A TEST OF THE CONDITION OF THE SPINAL CORD AND BRAIN. ATTACHED TO THE RECORDING PENS ON A PAPER ROLL, DRAWN UNDER THEM CONTINUOUSLY BY AN ELECTRIC MOTOR. ELECTRICALLY REGULATED FALL BEING ABSOLUTELY CONTROLLED, SO THAT THE FORCE OF BLOW IS CONSTANT THROUGHOUT THE EXPERIMENT

parents had indulged him in every whim, until the little flame of mind struggling against bodily defects was nearly snuffed out.

The first thing was to have him fitted with glasses; the next, to have his adenoids removed; the *next* — it may seem callous to say it — was to separate him from his parents. Not until then could he be made to understand that there were things he *must* do — for instance, he must walk. It was a perfectly brand-new idea to little Clarence that nobody was there to carry him around, and screaming didn't change the rule. He stopped his huddling and waiting to be picked up, and began to use his own legs for locomotion. It was the first real exercise he had ever had. His health quickly improved; he got an appetite; he slept. Soon he was joining, very timidly, in the romping games of the other children; before many weeks he was a boy with the rest.

However, he clung to a prejudice against books and book learning — he would *not* study. He was devoted to all kinds of animals and animal toys, so one day Dr. Witmer brought him a pair of white mice, and, sitting in the school-room, he and Clarence discussed these fascinating objects. Suddenly, picking up a bit of chalk, Dr. Witmer remarked, "Clarence, if any one asks you about your mouse, this is what you can say—" and wrote: "I have a mouse."

Clarence made him read the words over and over; read them himself. Then, fairly stammering with excitement, he cried, "B-b-but I have *two* m-m-mice — put *that* on the board!" Dr. Witmer "put that on," and Clarence decided to learn to read immediately. After a year of medical treatment and teaching, Dr. Witmer confidently hopes that Clarence will yet go through college.

This is a case that must remain two or three years in the Hospital School before it can be

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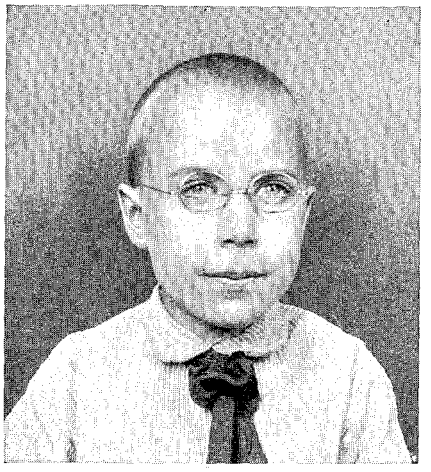

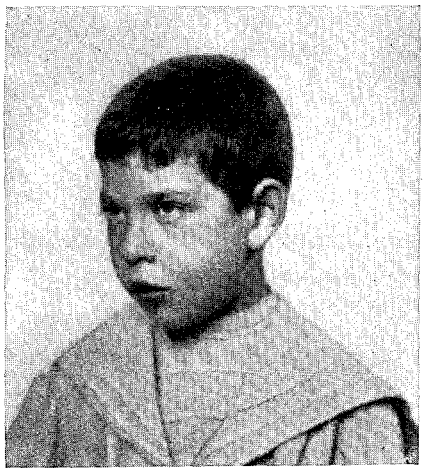

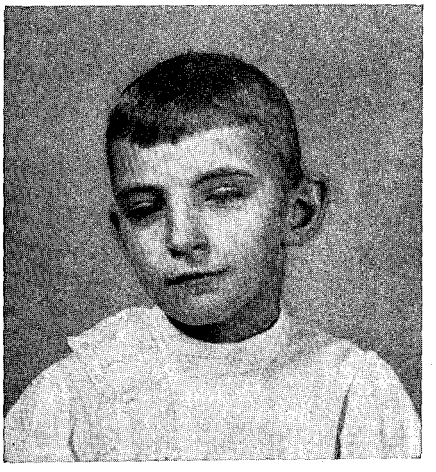

THREE PUBLIC SCHOOL BOYS PRONOUNCED "HOPELESS IMBECILES" BY THEIR TEACHER. *THE BOY AT THE TOP IS CURABLE, HIS TROUBLE BEING CHIEFLY DUE TO LACK OF NOURISHMENT, THE ONE BENEATH IS A DOUBTFUL CASE, THE THIRD IS INCURABLE*

sufficiently put into shape by physicians, and established in right habits, to enter the classes of an ordinary school. One attempt to return him to his mother proved unfortunate. All the old associations awoke in both of them. She could not see the vital necessity of discipline in developing the little fellow's own powers, and he rapidly sank back to his former whimpering helplessness. The change for the worse was so evident that she gladly returned him to the school.

A Psychological Clearing-House Needed

Dr. Witmer has now clearly demonstrated one thing — the need of some such auxiliary institution as his Hospital School in connection with every large school system — a pedagogical clearing-house, where cases can be examined by experts, kept under observation for a limited time, then sifted to the proper classes or institutions. Such a school, to be effective, must provide for the entire maintenance of the child during the period of detention — diet, baths, exercise, medical care, mental and manual instruction — in order that the child's various responses may be thoroughly understood. For some, nourishment and medication are all that is required, and the child can soon take his place in the grades; with others, the mental habits need systematic upbuilding after the doctor has done his work; while with a small proportion of children — but a vastly important one to society at large — the disposition has become so perverted, the moral life so warped, that they must have most expert training before they can be entered in the public school with profit to themselves or safety to the other pupils. These last cases are steering straight for the juvenile court, the reform school, the prison, and in one or the other of these institutions the community is bound to support them in the end.

Yet the results achieved with this class of patient in the clinic and the Hospital School are as hopeful as with any other, while the number of incurables in all classes is very small. By "incurables" Dr. Witmer means those who can never be put into the regular school grades, but must be turned over to a special institution. Under present conditions, when the parents are poor, these *curable* children are condemned, along with the incurables, either to neglect in the home and inadequate treatment in the school, or to a public institution, until the formative period of mind-growth is past and their little chance for an efficient and happy life is gone.

The hope and promise of this new field of psychological work can be appreciated if one

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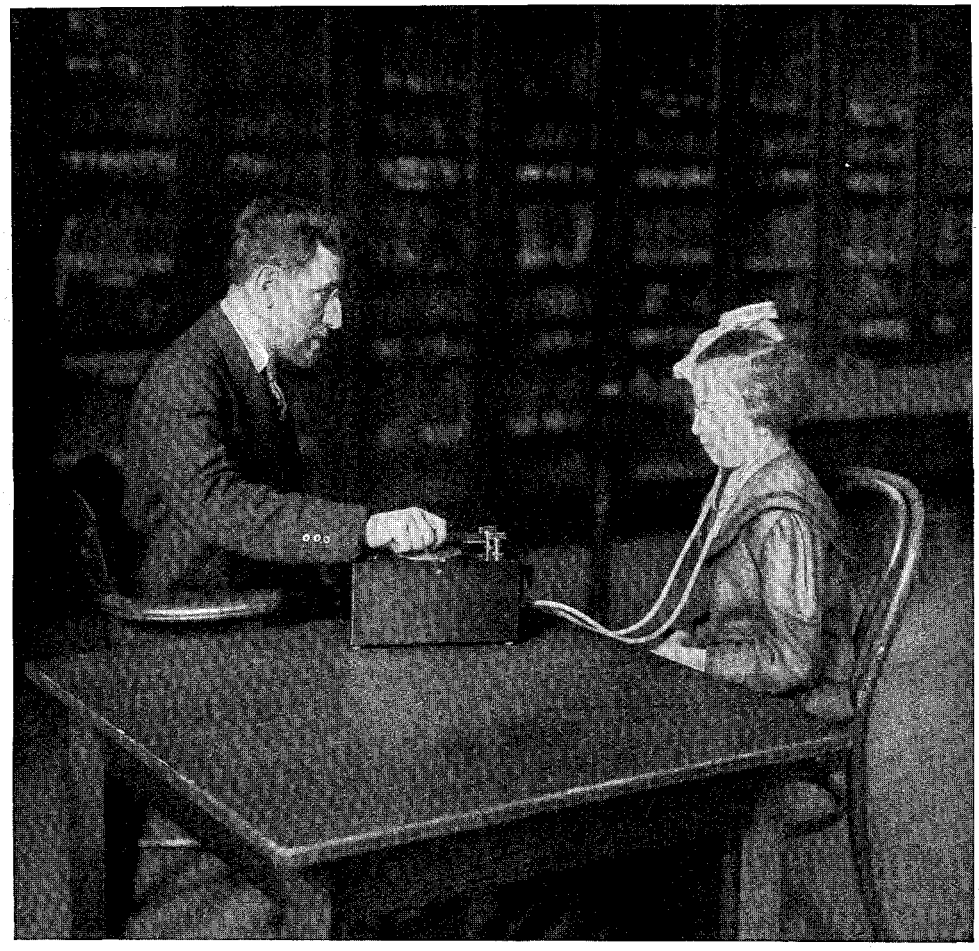

AN AUDIOMETER EXAMINATION

FANNY'S HEARING BEING TESTED AFTER OPERATION AND TREATMENT IN THE HOSPITAL SCHOOL. HER DEFECTIVE ARTICULATION WAS CAUSED BY DEAFNESS AND MALFORMED MOUTH CAVITY, BOTH THE RESULT OF ADENOIDS

but glances at the situation in the public schools. Upon the suggestion of Dr. Witmer, Superintendent Bryan made an exhaustive examination of the retardation of the children in the Camden schools, and found that 12.7 per cent. of them were three years or more behind grade; that 4.8 per cent. were four or more years behind; that by actual count there were two thousand children in the schools who might be classed as defectives, from one cause or another, needing special treatment. And of these last, *one thousand* dropped out at the end of the year — done for, so far as education in the schools was concerned. Yet, could these children have been given proper medical attention, then placed in small groups with surroundings adapted to their capacities, and with teachers prepared to work with backward and defective children, fully 90 per cent. of them would have been found in the schools the next year, doing effective work along some line that would help to fit them for later employment.

What became of the thousand children in the small city of Camden, New Jersey, who dropped out for want of the helping hand of science? What becomes of the tens of thousands in Philadelphia, New York, Chicago, San Francisco? Do you imagine they go up in the scale after they have left the restraining influences of the school and have gone into the world where you must either lay your goods on the counter, or steal what somebody else lays on? Do you picture these thousands now working industriously and earning their own living?

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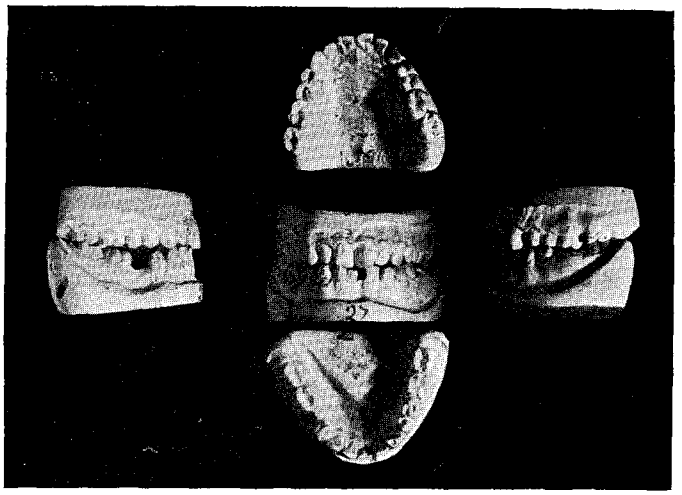


MALFORMED HARD PALATE, CAUSING DEFECTIVE ARTICULATION

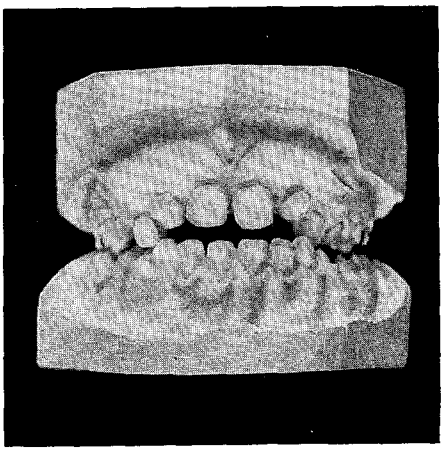
THESE CASTS ARE FREQUENTLY NECESSARY FOR THE STUDY AND TREATMENT OF ARTICULATION CASES

Epileptics and Imbeciles Forced into the Public Schools

The compulsory education laws drive — theoretically — all children but imbeciles and idiots into the schools and keep them there for a minimum of six years, toiling over their books, whether or not they can see, hear, or think. Thus every city, town, village, and hamlet engages itself to provide for all classes of defectives and degenerates above a certain level. But this level is not always maintained in actual practice. For instance, when the compulsory education law went into effect in Baltimore, eighty-three epileptics, liable to seizures at any hour, were found right in the grades with the other children; while in Philadelphia there are to-day, according to Dr. Witmer's estimate, nearly one thousand imbeciles occupying desks beside normal children. These unfortunates must either be provided for in the public schools, or cast out to shift for themselves as best they may; for the special institutions — even when parents are willing to send their children to them — are too overcrowded to take them in. The question is, "How shall these defectives be provided for in the best possible way?" — to which is generally added, "at the least possible cost" — meaning the immediate cost. The ultimate cost is seldom considered.

It costs money to educate a defective — more money than to educate a normal child; it costs more to let a child repeat a year's work than to give that year's work to a new child for the first time — costs more wear and tear and worry and discipline, costs more of the teacher's nervous force; it wastes not only money but child to try to drag him through the grades without first removing, or at least lessening, his defects. For Charles Gilman's eyes Philadelphia spent an amount that would have given three children a year, or one child three years, in school. An hour in an oculist's office would have saved it. Fanny had repeated a year, and had the prospect of an indefinite sojourn in the first grade, when Dr. Witmer took her into the Hospital School; in five months she was ready to return to the public school, with the prospect of a normal progress and a good education.

These are but two cases out of thousands. The smaller cities are paying for repeated school years by the century; the larger cities, on the grand scale of millenniums. The greater part of this bill — the greater number of these



CAST OF TEETH TAKEN BY PHYSICIAN BEFORE TREATMENT. THE WHOLE MOUTH CAVITY HAD BECOME DEFORMED THROUGH ADENOIDS, MAKING THE CHILD'S LANGUAGE ALMOST UNINTELLIGIBLE

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defective, backward children — could be saved to the public by a proper clinical examination and treatment of all pupils when they enter school. Something is radically wrong when an intelligent, earnest child can waste seven years trying to learn to read before any one discovers that he cannot see printed words.

The ungraded classes, the special classes for defectives, the truant schools in New York, Philadelphia, Boston, Baltimore, Milwaukee, Chicago, St. Louis, and a few other cities have little more than touched the surface of the problems presented. Even when they provide treatment and surgical operations, they have no facilities for carrying out a systematic course in diet, exercise, and baths that will bring the child up to physical standard; while teachers specially trained for the more difficult task of bringing the defective up to mental standard are almost impossible to find. *To bring the child up to standard in the shortest possible time* — this is the ideal of the clinical psychologist and the purpose of the Hospital School; for the psychologist considers the expenditure of two or three hundred dollars within six months — if it accomplish the result — cheaper for the city, cheaper for the child, and cheaper for the community where the child is later to live, than the expenditure of two or three years of the child's formative period in done-over and useless work.

What It Costs to Save Children's Minds

Dr. Witmer has shown that cases not requiring great medical or surgical care can be given very thorough treatment — a home, food, baths, outdoor exercise, and expert mental training — in small classes for a minimum of sixty dollars a month. When the child needs special training, orthopedic gymnastics, special diet, massage, the care of a throat specialist and an oculist, operations and X-ray examinations,— which means that a trainer or a nurse has to give all of her time to him,— the cost may easily run up to two or three hundred dollars a month for the first half year. The cash equivalent for the change in Clarence from an apparent imbecile, whimpering out his life, to an intelligent boy, growing healthy and active and with the hope before him of a useful manhood, was about two thousand dollars; the cash equivalent for the change in Gertrude from a supposed "moral imbecile" to a lovable little girl was about two hundred dollars. How much that two hundred dollars, spent now, has saved the community at large, to say nothing of the child herself, we can hardly guess. What *is* a made-over child worth?

Many other cases of moral deficiency have been treated in the Hospital School and sent home cured; and these have opened up one of the most promising branches of clinical psychology — the examination and treatment, on scientific lines, of the juvenile offender. Since the establishment of juvenile courts, and largely through the publicity given to Judge Lindsey's remarkable work in Denver, people are waking up to the idea that youthful crime is not so much sin to be punished as disease to be treated: far-sighted eyes that make book study misery and life in the open a necessity; adenoids; nervous troubles and malnutrition; a disposition out of gear with family and home; misdirected yearnings for the wider life, as vividly portrayed in dime novels. The mental state of the juvenile offender, and the means by which he can be taken out of that state and put into another and better, are becoming a serious and important study, a profession for experts.

Already Dr. Witmer has had a number of cases sent him from the children's court for examination. Would two or three months of treatment in a hospital school save these young lads from the reformatory and put them back in school? In most instances — *yes*. But there is no hospital school for children of this class. Philadelphia has a Detention Home, with capacity for about fifty children at a time, but the children are not supposed to remain more than a week; they go thence to the juvenile court, thence — where the judge decides.

What is needed is a home where each "case" can be studied until his possibilities for evil or good are thoroughly known; where his defects can be remedied; where — and this is the main point — his bad habits, the effects of his defects, can be systematically treated. For this last the doctor does nothing; he can do nothing; at best he gives the child only a new possibility. He operates on an adenoid: he does not operate on mental habits — does not make a dull, inattentive child into a bright one. The doctor's work ends with the bodily defect; the psychologist's begins with the effect of it. The doctor gives the new chance; the psychologist helps the child to fight the chance to win.

Though still in its infancy, clinical psychology is marking out a great field in social evolution; perhaps by the close of the century it will be one of the greatest. For it means the salvage of vast quantities of human mind lost to the world by our present system ; or, worse, thrown upon the community for support in reform schools, prisons, and institutions for the feeble-minded. First or last, society must pay the bill. The psychologist says, "Pay first, and save the child."

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DISABLED

BY

VIOLA ROSEBORO'

ILLUSTRATIONS BY THOMAS FOGARTY

This Cyprian,
She is a thousand, thousand
Changing things.
She brings more pain than any
God; she brings
More joy. I cannot judge her.
May it be
An hour of mercy when she looks on me.
EURIPIDES.

WHY should I want to tell about Lester Anders and his love affair? It has been a long-drawn-out fragment of obscure human history, its climaxes anti-climaxed, and with no sharp clear "point," nothing that enables me, at any rate, to draw any general "conclusions," edifying or otherwise. But, after all, there are other kinds of stories than such as can be wittily skeletonized at a dinner-party, and other moods of human communication than those suited to such occasions. Why does one want to tell any story?

It must be that somehow you care about the people and the happenings, and that (perhaps so obscurely you do not know what is driving you) you long to make others care with you, cry, laugh, wonder, or perhaps, most of all, simply sympathize for a moment with your fresh bewilderment before a fresh instance of man's inscrutable predicament on his little fleeing ball. Surely basic bewilderment is a mood that must come and recur passingly with even such doctrinaires, scientific, philosophic, or theological, as have "doped out" complete (and highly conflicting) theories of All that Is.

Doubtless it is what Lester Anders was himself that makes one care about his story. He had all those gifts that spring our most primitive, our oldest instincts of admiration: youth, strength, splendor of body, gaiety of heart, daring, power of primitive achievement — he was a man of his hands; he was an excellent chap, too, with a good, sound head.

Everything conspired to make him one of those examples of good fortune that it cheers the dull, drudging world to look upon, to hear about, to see counterfeited on the stage. Of course, envy is a pervasive vice, but pervasive, too, and deep-rooted, is the dumb, hidden instinct of solidarity that makes us feel bettered the more happiness there is in the world.

The motormen and truck-drivers who brightened at Lester's offhand greetings did not envy the correct magnificence with which he delighted to clothe himself; they took more note of his muscle and agility and gave them profanely emphasized appreciations that in naïve generosity were as pretty as poetry. But it was not matters athletic, either, that rooted their interest: it was Happy Youth.

Happy Youth must always carry its own pathos, but Lester minimized that note, because he looked so armed, equipped to live. The thoughtful, of course, venture no such prophecies, but out of hundreds of goodly youth one might have backed his chances for a triumphant progress down the years; the strong head, the balanced, kindly, mundane nature,— no poet's extravagances of ideals or hungers there to bring shipwreck!

Then, as Fate does top things off occasionally to show what she can do, he was blessed in heredity, in station, in fortune. His father was a man with money enough to live in easy comfort, and, admirable gentleman, had chiefly devoted himself for years to public and beneficent interests; a strand of light cynicism that was braided in his tolerant nature had made him especially valuable among philanthropic softies and egotists, and had helped to save him (for saved he was) from the degradations that so easily beset a career of "doing good." He was, in fact, such a father as the sagacious might choose, had they the chance.

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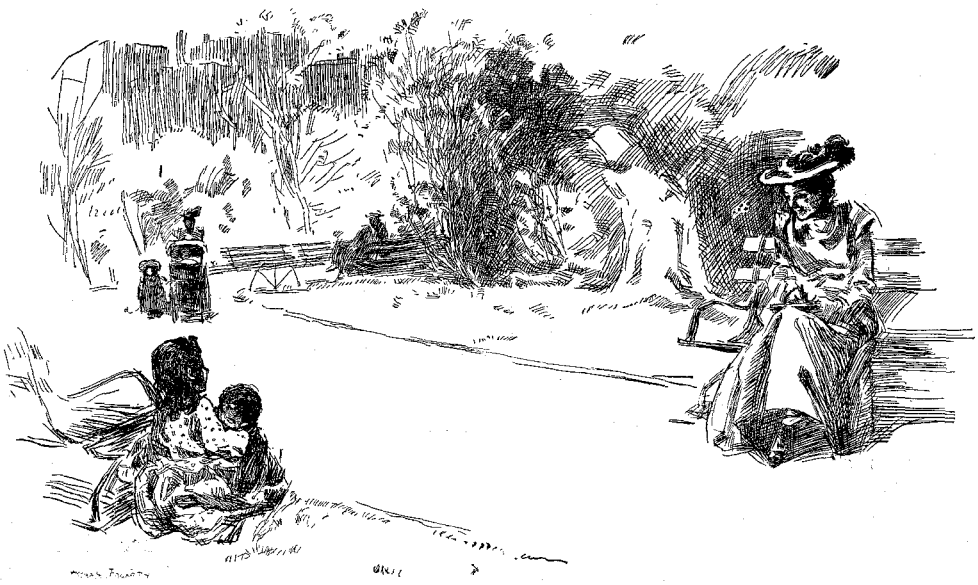

"A BROWN SPARROW OF A GIRL SKETCHING IN A NOTE-BOOK CAUGHT HIS EYE"

Lester had still one more cardinal good fortune: he was born with that fitness for a special vocation which Emerson tells us is the greatest luck a man can have. With the world before him, the lad fell on the last waning chances for original exploration of unknown lands, and fell on them as if they had been saved by the gods for him; now he was twenty-eight, and he had had his triumphs, had carried responsibilities and had tasted power and achievement, had savored the sweetness of life in the shadow of death.

Just home from a South American expedition through an unmapped wilderness, he was reveling in the contrast of Broadway: in the street-cars, in the white napery and glitter of restaurants and the things they gave you to eat; in the punctilious elaborations of women's frou-frouing frocks, and in them themselves — the always curious, so often clever little things. He marveled casually that from their little niches, their abysmal inexperience, they could sometimes so project themselves into his world, talk to him of his occupations,— awfully clever of them, even if they did make it their business to play up to a fellow like that.

Women would have spoiled him, if he had found intoxication in their tribute. But if pride of conquest can hardly be denied any normal member of an "evolved" race, it would still assuredly never intoxicate Lester; it was offset by all his traditions and habits of mind. Unless you could like a woman at least as much as she liked you, her liking was a horribly discomfortable, embarrassing thing; it made you look and feel like a hound any way you could fix it. These were his secret sentiments; aloud he was extremely unlikely to be caught making any such implied admissions.

He had tried various ways of "fixing it," and also he had "liked" some of the ladies who had liked him; altogether, as you may infer, his experiences, such as they were, had not enlightened him profoundly about life, love, women, or himself. He was almost innocent of literary traditions of sex, but he knew (for he looked at the world with a seeing eye) that sometimes love took the form of a very serious madness, and that, more rarely, there was something noble and splendid in this madness.

He had no more idea of any such experience ever coming to him than he had of undergoing any other form of mania. What he wanted was children, sons and daughters; your own kids were what counted after a while; and as a decoration on this solid aspiration, he wished, he meant, to love his wife.

So it all might have come to pass had he turned west instead of east one spring day. It was early in the day, early in the spring, and after the sharper flavor of other phases of the city, he turned, charmed with the contrast, into a little empty square of pale sunshine, green grass, and naked trees bud-bedecked. As he lounged about, a brown sparrow of a girl caught his eye only because she was sketching in a note-book, quick strokes alternating with quick, attentive glances beyond it; her eyes recurrently grasped a group of two children who, unconscious of their usefulness, sat, the baby

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asleep in the girl's lap, on the grassy edge of a walk, a bench leg giving her a back-rest. It was obvious that the task of hoisting herself and her charge properly on to the bench was quite beyond the small nurse's strength. Lester looked on, also seated at his ease now, unobserved of either artist or models.

It needed such definite attention really to see Anne Taylor. Lester, in contrast, clothed with such tempered glory, light and fresh, as remains possible to his sex, was a figure to stand out in a crowd — most of all because he was so alive; that vitality that informed the whole sinewy length of him gave arresting force to his solid, embrowned, clear-cut good looks, and pooled like light in a pair of strong, leaf-brown eyes; as strong as an eagle's they looked; good-humored, too, but not mainly organs of expression (as some eyes do look), mainly made to see with, to see a lot.

But if Anne Taylor flagged attention little more than a lichen on a rock, she, like the lichen, could still reward it. It would be a perversion of language to claim that any scrutiny could find her pretty; but superior eyes, dismissing demands for bloom and color, might discover something of beauty in the Holbeinesque drawing of the small, quaint face, all whose details, lips, eyelids, delicate nostrils, were finished with such distinguished precision. Lester in his simplicity thought her a plain little girl; yet then and there stole in on him the notion that he liked her plain looks immensely; that she looked precisely the most companionable person in New York. But it was not with the least thought of profiting by that fact that he presently saw the need of coming to the plain little girl's assistance.

The child on the grass had essayed to wend on her way with the baby; the baby was asleep, and a strength which had just sufficed for a staggering progress when he was awake — after he had refused further unfamiliar exercise on his own fat legs — proved now completely inadequate; she managed to rise with him, but after five steps came down again, baby still uppermost, but wide-eyed despair upon her countenance. Plainly, with the finality of childhood, she saw the future stretch all dark and "barren as a rainy sea," an existence bounded by starvation on the park walk.

Anne Taylor, after making some last hurried strokes, shut the note-book and hurrying to her unconscious model said, with a faint touch of the brogue:

"Sure, now, and isn't he the heaviest baby of his weight on the East Side this day! Let me try the heft of him."

Pride in the merited tribute struggled on the slum child's face with worldly-wise mistrust. "He is awful big,"— pride was the stronger.

"And he's gone to sleep on you, and doubled the load he was. Indeed, I think the blessed saints sent me along to take the job off'n you"; the young lady's little sweet eyes watched the effect of each stroke of her diplomacy with the measuring, tranquil glance of a chess-player. Conflicting emotions were written all over the girl's little person, but dire need conquered when, as her next move, Anne Taylor said: "It's Father Kelly would be telling you to let me have him if he stood there foreninst you."

"It's Father Casey likes him best."

"Indeed, and that's only because Father Casey knows him best." As she spoke Anne was up gathering overflowing legs and arms as best she could.

Lester was an audience for the little comedy, though he wore the deafest aspect; but when the comedians mobilized, it was soon undeniably clear that the company still needed reinforcements; that jumbo of an infant was even overpowering the grown woman — the grown woman was slight and small. Lester perforce came to the rescue; the polite automaton was the rôle he chose, as if, having eyes, he saw not, neither heard with his ears, but was moved by internal clockwork that at this hour daily brought him to the assistance of any baby-oppressed beings, men, women, or goats. Maybe Anne in her need would have put up with an even less sharply defined harmlessness; there was about her something that bespoke a very privately cherished and faintly humorous sense of power to take care of herself. But in turning her burden over to the young man she certainly did nothing to bring the automaton to life; rather, graciously enough, she automatonized herself, as if that were the etiquette prescribed for the foreseen occasion by the best authorities.

Under such rigidities the adventure ended as it had begun. It was so amusing as it stood, that, until the girl had vanished quite, Lester's humorous satisfaction with his own propriety was complete. Then there was new food for amusement in the disgruntlement he discovered because there was (of course) no sequel in sight. He thought of that girl recurrently for several days; he grew clearer that he sustained a loss in not knowing her; she certainly was a well-spring of companionship — that girl, and a Dear; good as gold, and at the same time so flavored with the unadulterated savor of herself — as far from flat tameness as any Daughter of the Game spiced by the Devil. With all this he did not range her as a potential sweetheart, although, as youth must in such case, he glanced at that

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possibility. Love affairs in his experience rooted differently and developed agitations both sweet and bitter out of accord with the aromatic freshness of this memory.

It was after ten days had driven the episode from the foreground of his mind that he saw her again. It was in a newspaper office where he was known. She "belonged" there, was on the staff. She was, it appeared, the creator of a series of pictures of city children that was having its little vogue; pictures whose quaintly humored expressiveness more than atoned with the sensible public for their sometimes eccentric notions of human proportions.

"LESTER CAME TO THE RESCUE"

The inevitable acquaintance began with more good will and good understanding than any merely conventional prelude could have given it. The clearest thing about Anne to masculine perception, plain on sight, was that a fellow could make friends with her; that she was neither fisher nor fish in the Great Game. Any love affairs of hers would fall outside its strategies. The war between the sexes had small meaning for Anne. She lived (so she often put it) in the old Ninth Ward, and in the little prim "private house" where she was born. Her father had been a contracting carpenter in a small way, when a modest turn or two in real estate had furnished him with a slender competency, and furnished it just in time; on the heels of his good fortune a ladder broke with him, and the fall not only crippled him, but impaired his health for life. The distinction of his after years was that he kept what he had made, despite all the onslaughts of "business opportunities," even despite the beguiling fact that he had made it. He said he had no right to risk the livelihood of his family, and contented himself with attending to small safe investments and reinvestments, with the interests of his church, his political party, and with his family; that is (as to the last) he and his wife were united fondly in the deepest, quietest worship of their daughter; Anne was an only child who had been born to them after years of barren wedlock. He was an elder in the Methodist Church, a reader of the *Tribune*, and a well-enduring, honest man, keeping always his country-bred sense of equality and his Chautauquanesque mental horizon. His wife was his mate in all this, and any differences that went to make her a separate personality hardly concern this narrative. It was in the most casual way that Anne had ranged beyond the parental fields, intellectually and socially; and the only visible effect of these excursions upon her home relations was to make her cherish them the more. There was an unvarying levelness about Anne's head that defied the demoralizations of humankind's foolishest years, and the more she knew of other kinds of people, the more she sensed the dyed-in-the-wool merits of her own nearest. New people and pleasure were deftly sorted, rejected or adjusted without disturbing any balance of power in the kingdom of her mind. Indeed, it appeared that what Anne went in, that, in all essentials, she came out, whatever the passage traversed; and if here was small evidence of a capacity for growth, it is to be answered that a pleasant completeness stamped Anne; she drove ideas of changing her out of heads even besotted with educative, uplifting impulses.

Lester found all this almost romantically satisfactory; it brought out so becomingly in Anne all that was most unlike commoner

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souls; and it was all so finely, quaintly American in our denationalizing metropolis. It was the kind of thing his father had bred him to esteem, for his father cherished his family's Americanism with the enlightened fidelity of a cosmopolitan outlook. It was Democracy Mr. Anders believed in, and with a more defined faith than supported most of his easy-going predilections. To Lester's mind Anne's situation in life fitted her like a designed frame. In his young ardor he counted it a good plus on the privilege of knowing her.

From an old home himself, he had, too, an appreciation of the fact that the "parlor" of the Greenwich Village house was one of the few and ever fewer rooms still left on Manhattan Island where Time had had a chance to work his incomparable magic. Anne's esthetic education had not led her to play any discoverable tricks with it; not she! Faded and harmonized, long-cherished and used, since it all was old and simple, no walnut furniture could be ugly enough quite to outweigh what time had done for it. Lester was not an esthetic person, but if he had been he might have come to the same conclusion he found when he reflected that "this sort of thing is more in our class than all that shiny, brand-new colonial truck, by Jove, or the old stuff from Dago palaces that the big grafters are spreading around; this is their own, anyhow."

It was anent the one inherited treasure in this homely room that Anne made her one oblique reference of these days to her own worldly standing. The treasure was a lithographed copy of Lincoln's Emancipation Proclamation; it was in script, and the shadings of the lettering gave you, with preternatural ingenuity, if you looked aright, a wooden presentation of Lincoln's face. Lester was examining it with an interest made up of various strands; his father was a collector of Lincoln memorabilia.

"I suppose that's funny to other people," said Anne tranquilly; "we are proud of it." All manner of little insignificant speeches came from Anne with a significance born precisely of their simplicity; where the rest of us would mean more, or other, she meant merely what she said.

In response to Lester's sympathetic growls — his words were not what counted — she told with her easy precision how her father's father was a very poor farmer who made his home a much-used station on the underground railroad of slave times, and how he had bought this document-picture the week Lincoln was murdered.

"He was dead long before I was born," said Anne, "but I can't find out that he ever bought any other unnecessary thing in his life. He spent all he could pinch out of his poverty on causes. This was his box of ointment. I like him for a grandfather very well," Anne concluded without emphasis.

Lester could only stand before the heirloom and again express his sentiments by dim sounds of sensibility. It was not a moment for the banalities of talk.

For already he had reached the stage where the beloved's chance speech may come freighted with such mystic significance as belongs to the wonder words heard in dreams. Quickly he had learned that love enters not always by the same door, and indeed that he had had no experience of love before. This was not the familiar comedy of self-deception; he had a cool head for investigating his own emotions, and he was right. The call of companionship that Anne's being had made to him from the first called the whole of him; not as the result of a sustained propinquity, but fundamentally, with a force like gravitation, a force strengthened by the chorded subtlety that had briefly disguised it. The truth had come to him as a deeply astounding and sobering discovery; there was an hour when it awed, when, by a stretch of language, one might say it frightened him; such calls from the deeps were not reckoned in his scheme of life. Of course that passed; he was an altogether sanguine lad.

Sooner than he had dreamed to, with small volition in the matter, he found himself a declared lover, and one who was neither rejected nor accepted. On top of that he begged to be allowed to bring his mother to call on Mrs. Taylor and Anne; to the credit of his breeding and his presence of mind, he named them in that order. It appeared he had proffered this request at the wrong time. Anne demurred.

"It would be too creepy," she argued candidly and plausibly; "whatever you did or didn't tell her, she'd have two reasons for detesting me: because I may and because I may not,"— this last coming with an access of abstraction; she was weighing courses as she named them.

Lester sat, his elbows on his knees, his downcast face between his fists, a square, masculine attitude, but telling a tale rather painfully contrasted with the girl's expression; her clear ease, pretty as it was, looked a shade trivial against his overweight of feeling. He raised his eyes to hers — they were bloodshot — and whispered, for his voice was dead in his throat, "When, Anne? When?"

But by nature and sagacity it was mainly in a lighter key that his wooing was set. His heart sang with hope, and as he had not failed to

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"SHE WAS THE CREATOR OF A SERIES OF PICTURES OF CITY CHILDREN THAT WAS HAVING ITS VOGUE"

observe the advantage insincere devotion has with inexperienced women over a sincerity too guileless, he was consciously bent on profiting by the wisdom of the children of this world.

Yes, Anne was inexperienced, of course, but she was, as her bearing revealed, not unaccustomed to being courted. Her popularity puzzled some observers of her own sex; and certainly she was poor in the most trusted weapons of conquest. One big element in her attraction has been already suggested: men in general felt that clear as sunshine, clean of any hidden hungers of vanity or advantage, she liked them. That, to be sure, was a wonderful eye-opener to various pleasant qualities that every one granted her. Her quaintness — that was a favorite reiterated word — was born of her odd combination of spontaneity and self-control; at least, that is as far as any analysis of it could go; she had the unique effect of always doing what she felt like and always doing what she intended — an extraordinarily engaging harmony that, which made various people find it a treat simply to watch her exist. For the rest, her lovers read her as being as warm as she was unquestionably cool. If she was a detached friend and an elusive sweetheart, their instinct told them she had in her the making of a wife who would fill the measure of that relation.

When in the course of a month she made her measured little surrender to Lester, the question of meeting his family naturally came up again. She still begged off, and she had her little case again, too. Lester was expecting to start soon on another South American expedition, and Anne would listen to no word of marriage before his return. He made his last plea for an immediate union one evening as, in the artless fashion of the neighborhood, they sat in the summer dusk on her front steps; before them a tiny triangle of greenery showed up under the electric light greener than Nature, as green as fairyland; its black leaf shadows more solid than the shimmering leaves, still, impossibly swift and silent, wove their dancing vanishing patterns from nothing.

"I won't be married before you go, and I really can't stand up to being a daughter-in-law for such a long, lonely time before I'm married. It's too much of a strain, when there is such a gap between our families to be bridged, too."

"The bridges are already there," said Lester; "you'll find that out."

There had never been any implications before about this gap, but the reference fell from Anne with the easiest directness; of course there was a gap. Lester's answer was right in tone and fact; Anne tranquilly let it pass. She was tranquilly silent, in good faith assuming that all was settled her way, and by the assumption

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itself making it sound; Lester — thus put to the touch — could but make the queen's preferences his commands. When later, submissively enough, as a mere medium for love-making, he questioned her for reasons, she said, "You don't suppose I make up reasons for big choices like that in my head, do you? I don't see how any one but an adding-machine could"; then reflectively, seriously, "I find I must do something or not do it, and then if some one teases me about reasons, I can only bore down into my me, and try and find some. I can't find these now, the real ones, but they are there."

Lester marveled at his own refrainment; awed to find his love made him too rich to be impatient, too humble to be insistent. It was not that he saw Anne as necessarily always right. Seriously, with his mind as well as his heart, he thought she should marry him before he departed on precarious paths; but, besides natural chivalry, Anne, even when not reasonable herself, inspired others with a reasonable regard for her very caprices. Did not she allow the privilege of caprice to every child of man? She was the least exigent sweetheart in the world.

To be sure, she scarcely seemed to suffer the temptations of passionate devotion, and Lester accepted it that she was not so deep in love as her lover. He astutely read her as of the maidens who even in their secret hearts must always reserve much till they give all. These devotees of Diana, despite our Shakspere's quite partizan antagonism, enjoy the especial consideration of our society — they suit its arrangements; and Lester, of course, was quick to find ideal rightness in any phase of Anne; so, strong in his faith in her good faith, he stilled his hungry heart.

Undemanding, uninterfering as she was, a light touch from Anne presently brought about a sharp revolution in Lester's outlook. He received the expected offer to lead another South American exploring party. A group of adventurous financiers were uniting their forces with a geographical society to search out the course of a certain obscure river; if it could be navigated, a virgin country of immeasurable resources would be opened to the world; its minerals and timber were playing the part of buried treasure to the romantic imaginations of the money-makers. Lester's success did not turn on the doubtful factor of the river; he would gain much if the question were settled either way; only more if the dreams of commerce came true. The stakes were bigger than any he had ever stood to win: fame, that narrow fame among specialists that counts to a career and is a real, a worth-while thing, such connections as in themselves spell power, and money enough to give his next steps adventurous independence. Lester knew too much to discount chance; but he believed in his luck, and the gamble of the game was its intoxication. He came from an interview with his big men swung high on his hopes. A man, hardy and handsome and young, playing a strong hand in a big game, happy in love, all his fate edged about with the rainbow enchantments of danger and separation (for only pain can give the ineffable edge to pleasure) — surely to live on such terms is a heady draught.

His final answer he reserved till the next day only because he cherished a sentiment for talking all over with Anne. While he was making himself fine to go to her, he received a letter, another offer of employment. From the faithful a religious journal had collected a large sum of money for the relief of a remote famine-stricken district in China. Here was a bid, a little unimportant bid, for Lester's services as courier. Danger and trouble were the only notable elements in this mission. Lester with but a glance thrust the letter in his pocket. Such jobs did not count now.

You divine that there was where Anne changed his mind. That is a short story soon told. It was done by no arts, no appeals, done without intention, simply by the power over a man in love of a little personality curiously free from our commonest alloys, from pretense and vanity, cheap hungers and cheap emulations, and from such callousness and density as these entail. Anne was unworldly, not with a saintly unworldliness, but in such fashion as had the effect of making worldliness look childish and daft, a candle with no game; but now her quality came home to Lester with a spiritual lift and like a new thing; by an inward flash that changed the colors of life he saw suddenly something near to baseness in his ordinary standards.

The letter about the famine sufferers he had taken out of his pocket by chance with other papers. "I got this to-day, too" — he had handed it to Anne.

They had made a little excursion far enough abroad to bring them to country woods and fields; and they sat beneath some boundary hickory-trees at the edge of a stony, brambly, hill-tilted old pasture; big hills and little hills lifted around them, here near, there far, folding one upon another endlessly, every gradation of distance marked in their varying combinations of green, of silver, of far-off mystic blue. On the other side of the world Lester was recurringly to vision the very color of the sunshine and the speed of the cloud-shadows that slipped up and down the great slopes.

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Anne, reading the letter, gave a wordless sound, and it was as if with its burden of pity a new sense was born in him. A famine in China — not the trivial incidental tribute paid Lester, but the awful actuality behind a few vacant-faced numerals, was what gripped her. Anne's imagination was limited with the definiteness that marked her entirely, but on its susceptible sides it was vivid enough to make her intelligent where cleverer people might be dull. Above all else physical suffering quickened it. When, his affairs forgotten, she asked Lester in all simplicity who would, who could serve this great need, Lester had come to a new birth.

There was an instant's silence, and when he spoke, his speech was carefully careless, for his heart was lifted with a strange exaltation. He said, "Come to think it over," there was no one who could and would go whose equipment met the call as well as his own; he floundered amid some unfinished phrases about other fellows — he seemed to be reflecting that for the South American work the choice was large enough, "it could get the best there was"; and then it came out, those brown eyes of his usually so acutely bright, luminous and tender now with portentous messages as they turned to hers:

"Maybe I ought to throw up this other, and go myself."

And the cool little Anne's eyes shone soft with unshed tears. Two children they were, two children being "good"; bending to the strongest necessity laid upon man, the blind necessity to try to do what he calls "right."

Anne had a lover indeed now, for she had set her mark on his soul.

Anne! Is it not growing clear what a rare little nature was Anne's? But on one side it was not rare; on one side she was like the run of people, only more so, more prosaic. This tale deals with love. Most of us are to the last interested, willy-nilly, in love as a factor in life, in the experiences of our acquaintances, in the dreams of the young; but the practical faith of the majority in any lasting reality below Nature's golden bait grows small as we grow older: we have not found it, we do not expect that the young dreamers around us will; but the dream is pretty and proper to their age, and maybe sometime, somewhere, it happens that the dream lasts long. We are not wholly skeptical of that, or of the possibility that some good, homely reality may replace the evanescent glory. The difference between Anne and this majority was here as everywhere in favor of her unity; amid fellow beings made up of shreds and patches, Anne was all of a piece. Anne believed in romantic love about as much as she believed in fairies. The world was not made that way. One "played make-believe" sometimes; and Nature seemed to bewitch weak-headed youth into trusting her fairy-tale

"THEY SAT BENEATH SOME HICKORY-TREES AT THE EDGE OF AN OLD PASTURE"

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"'YOU WOULDN'T WANT A WIFE WHO MARRIED YOU BECAUSE SHE'D PROMISED'"

till Nature herself taught them better. Their credulity was unaccountable to Anne; however one's eyes might be dazzled, the evidence against the delusion was too strong; it was always in essence a Titania-and-Bottom business, whoever were the protagonists. She believed indeed in affection and good faith, and had the capacity for constancy that Lester counted upon. But to Anne all these serious things, these solid human virtues, belonged to marriage, to a real relation, in a degree that sweethearting scarcely called for.

Her devotion, so tender, so almost maternal, to her own simple-minded parents shone lovely in Lester's eyes, but now when he was booked for China his appreciation of it was sorely tested. The South American expedition was not to set forth for several months, but this Chinese rescue work was another matter; with an inefficiency not always divorced from godliness the final arrangements for transporting the treasure had been unduly postponed, and the need of haste was great. Lester should leave, must leave within a week. The Taylors were on the eve of a visit to country relatives three hundred miles away; Lester had intended to hover in his sweetheart's neighborhood during this outing; now he could take no such journey, and to his painful consternation he found Anne contemplated no delay. She consented to return for his last day, and seemed to feel that to do so much was almost — almost what? unmaidenly? Too — no, he would not consider "too troublesome"; and he was right in rejecting that theory of her hesitation: Anne did not count trouble against kindness; but here was a piece of kindness that her little head refused to estimate at the value her own heart suggested; the parting was painful, but a few days more or less — it was an illusion that there was any importance in whether good-bys were said Saturday or Wednesday. Then, too, this return was a frank recognition of a close bond, and Anne was g i v e n to evading such recognitions as a half-tamed bird evades the hand. Yes, there was something of maidenly in her coolness.

In the face of Anne's domestic preoccupations and cheerful comradeship, there were times when Lester saw his mission stretch through time and space, long, dark, and dangerous; but no! Such unfamiliar notions he thrust out with scornful intolerance as an invasion of identity. It was evidence of the kinship of Anne's spirit with his own that she did not take sentimentally lugubrious views, as would another woman, of a man's job. And he ended by convincing himself that he was ashamed of his selfishness in wanting more of her than he got.

Lester was gone eighteen months, half a year longer than he had counted on; and, once he had left Pekin, terrible toils, long-continued strains of peril, catastrophes, sickness, though all in the day's work, yet made the gay ease of the other side of the world seem a life-time away. He finally succeeded, so far as success could inhere in such a fight, and then bad luck clamped him like a ball and chain to hinder his return. Amid practical obstructions it seemed but a minor ill chance that — as was to be expected — much of his mail was lost. He desired Anne's letters, of course, but their miscarriage was no essential calamity; through all achievement and mishap, greater than the aching hungers of the lover, deeper than the resourceful patience of his kind, a high serenity dwelt in his inmost heart. If it was not always dominant, still, in the night watches on wild rivers, or while he snatched an hour's rest from crowding yellow skeletons, or as

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he fought the delirium of fever lying on his earthen stove-bed, he could find the key to that inner treasure and taste the triumph of its possession.

The effect of this sure happiness was to make his letters brief and inexpressive. He held no ready writer's pen; he had grown beyond incontinent babblings — only a poetry he could never word would tell his tale; and above all speech was unnecessary.

He cabled from Hong-Kong, but to wait for answers, so it unexpectedly turned out, meant losing the first outgoing steamer. He took the steamer. At San Francisco he sent his budget of telegrams, and from Anne came this response: "A letter should reach you to-morrow." Did she think anything, even her letter, was going to keep him in San Francisco for twenty-four hours? They would read that letter together. Dear, laconic message — it was like Anne to refuse to disclose herself in the publicity of a telegram. Well, he would bother her with no more transmitted messages. He reached New York on a shrouded, chill February day; the raw air hung dead and wet; and the city was as if crowded with witless, weary spawn of doom, beings already damned in their endless evil running to and fro. Lester's heart sang in his tired body at the contrast between the world as it looked and as it was. As he bought his ticket at the elevated station (swifter than any cab is the L road), he raised his eyes to the train just ready to pull out, and there, straight before him, solid and living, was Anne: the quaint Holbeinesque little profile was drawn clear against the glass; the quiet eyes, the unconscious happy sanity of her, that made the overstrained or over-stolid other people look quite mad,— all that made Anne Anne, — smote his heart to a standstill. The train passed. No other moment of his life has ever stayed with him so sharp and complete, color, sound, the smell of sodden wood and smoke, and Anne's profile centering the world.

As he left his own train a chance glance along the vacancy of Ninth Street showed her to him again, almost the length of the long block away. It was under the naked trees of Washington Square that his hushed call of her name stopped her.

White-faced they met, but his pallor glowed, and hers was dead, and her eyes strange. The chaos of the next moments carried him beyond the registry of consciousness; he never remembered of them anything but Anne's low voice, sharpened with dread — "I'm married,"— and the dread was of him, his touch, the caress of his voice and his eyes. She sought to bring him back as from engulfing waters, back to the surface of himself, where he could hear, listen to her story. She was shaken by his shock, surprised too; his bewilderment in her surprise enmeshed him like a net, throttling the convulsions of a man dismembered. She talked — it was almost as if she felt that she could tell him something that would help to heal him.

Anne was indeed wonderful, wonderful in her non-comprehension, and in her non-comprehensive sympathy, the sincere simplicity of her kindness,— once was stilled her fear of a lover's approach. She guided Lester, docile as a drugged man, to a bench, and sat down beside him. Surely no other woman in the world would have been so plainly full of honest good will in the monstrous situation; for no other would have had such a good conscience. She spoke with serious concern of the mistake she had made, the mistake of her betrothal to Lester; but she scarcely blamed herself for it, for

"FATE MADE HIM SMALL AMENDS IN HIS MARRIAGE"

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anything. Why should she? Her own outlook was made clear in her direct, coherent little statements; it put guilt out of the question. It was as if she tried for that directness and coherence, not to the end of justifying herself, but in that absurd underlying conviction that comprehension must help this incredibly suffering man beside her. And what was her story? There were various ins and outs to the changing of her mind, but the process was the result of two or three main factors. Time had brought her back to her common sense, she said; to do her justice, she had never strayed far from it. She had inferred, with the reasoned density of her type, on general principles and from his inexpressive letters, that time had done as much for Lester; common sense (in her) brought her to one all-important conclusion: that the worldly advancement of this marriage would mean a degree of bitter hard divorce from her parents, or a struggle against it that would involve them in humiliations. "Oh, I saw it. They'd never complain; they'd let themselves be cut up in inch pieces for me, but I'm all they have; it would have darkened their lives; though they'd never have owned it."

"Oh, no, no; you didn't understand — no, no." Lester's words came like sounds of pain, under his breath and to himself rather than to her.

He was nearer right than she, but she believed him not a whit; not only that she would not want to believe him now, but that truly, child of a city whelmed in noisy and noisome wealth, besotted with it, she could not. All her distinction, personal and national, could do for her was to determine an antagonism she misapplied. Her only sign of any insight was in her elisions about her marriage; there she left gaps, spoke in broken phrases, not shamefacedly, but as if mercifully.

"There were reasons, Lester, why — and I thought it was better to get it all finally settled before you got back."

Lester, a hand gripped over his mouth, head bowed, shook like a man in a strong chill.

Anne's tears started, but she checked them when he mastered himself enough to whisper with a dreadful childishness, tragic as the helplessness of the dead, "You promised."

"Promised!" cried Anne. "Don't talk of a promise about marrying, Lester; to marry a man because you'd promised! I'm not capable of such shallow — you wouldn't want a wife who married you because she'd promised — you wouldn't. You carried me off my feet, but all the time there was something inside me that didn't like being carried off my feet. People weren't meant to be like that. It can't last. Oh, Lester, it can't. You'll get over it, all over it, dear Lester. You'll see I was right and sensible."

As she spoke Lester rose. God knows what he had heard and what not. It was up to him to gather all his forces and try to play the man. He took three steps, head forced up, and then, as if tethered, he turned perforce and looked at Anne: "looked," one says, yet his eyes were so full of daze and pain it was as if there were no sight left in them. Then another feeling encroached upon their haggard suffering: it was the old sure-set tenderness that fell upon the little figure on the bench; so dear and clear and frank; so unlike any one else in all this distracted world . . . the wistful white face, the kind, troubled eyes. . . . His hanging hand barely lifted, palm out, made his surrender, his farewell indeed too, it seemed, with the faint writhe of white lips that willed to smile, to give good will, a blessing. But no will could even the struggling steps that carried him away.

Anne was in tears again; but — yes, again, turning from the other, Anne, the very set of her body, the movement as she wiped her eyes, looked trivial.

Not that there was either help or hurt the deeper in anything of that for the boy who had been doomed to love her. He loved her as she was. The bottom experience of his passion was that he understood her. He would never so understand another being. Had he but married her — he could, before he left her! — she would have given him all he asked. Who was he to be loved as he loved Anne?

The youth went out of him. With luck its sanguine vitality might have lasted him to the verge of age; and it is in that rush of life more than in any special gifts that such men's power lies; it floods their gifts into fruitfulness. Luck was against him; it searched out an unsuspected deep-heartedness that made him vulnerable, and disabled him. Men said truly that Lester Anders was a glorious boy, but he petered out. A man ought to conquer his sorrows, make them "slave-sorrows to his chariot linked"? Yes, yes, that is the ideal; but wise and pitiful was the ancient comforter who tells us that He remembers we are dust. We can do but what we can. Lester was no great-souled hero; at the crest of his life he was chiefly but the incarnation of Happy Youth. As it turned out, if he was not strong enough for his fate, he lacked, too, the crass shallowness that in the world's eyes would have done as well.

After years he married. The girl fell in love

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with him, helplessly. Her consuming and exalted sincerity touched Lester to the core. He cherished no ideal of constancy. All he asked was to "get over" the past. For long he could have given nothing in such case; now he was glad enough to feel tenderness, gratitude, good will, liking, for a woman who made no terms in her devotion. Moreover, that she should suffer as he knew suffering was intolerable. Then children, to have children of his own — that hunger was strong. We see our own lives as broken, unfulfilled, sowed with salt; but if we are of the heroic majority we see life for the young stretch onward, a goodly thing. Here is testimony bigger than any conscious bias for the zest of our unintelligible existence.

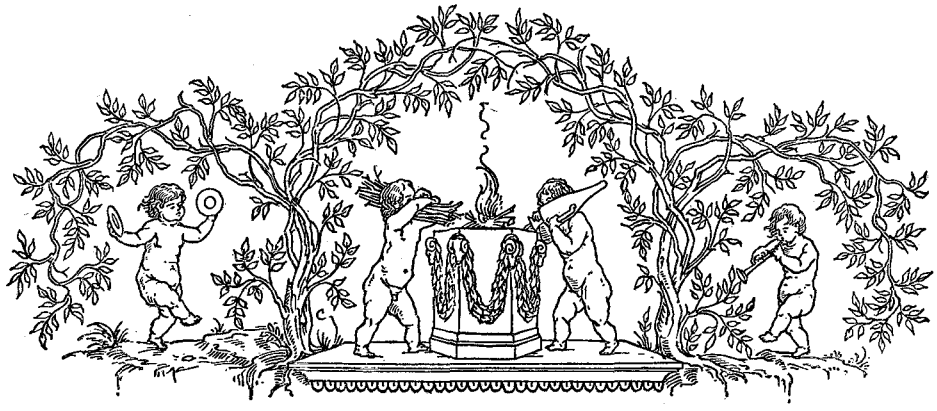
Fate made him small amends in his marriage. His wife gladly married him as he was, but once in possession she demanded all that Romeo gave Juliet, while, tortured and torturing, well aware that demands of that nature are impotent and worse, she grew into a harpy of jealousy; unfocused on any particular object, she spread her corrosive passion over all his interests. She was jealous of the breath he drew: he drew it independently of her. She was childless.

Two years ago she died. Anders lives in London, a member of geographical societies, a kindly applauder of other men's achievements, sometimes their modest patron; always a lonely spectator; and if life in taking so much from him has given him some grace for the spectator's part, has lessened his egotisms and made him more hospitable to the egotisms of others, still she has not granted him peace. His dreams are still of action. But he keeps them hidden, those dreams, knowing that no man, not himself, believes in them. In his market he is spoilt ware.

It is easy to argue that the foolish waste and cruelty of it all are part of the piled-up evidence of an Evil World-Soul; or of the senselessness of wheeling forces that generate, and are yet unakin to us,— poor little beings, full of tears and ardors and aspirations. But who at last in the secret places of his soul finds such arguments sufficient? What of the beauty that shimmers in these dark places, the glimpses of the Other Side of the sky?

The other day Anders heard through some devious channel that Anne had been for years widowed; and he wrote to her, sending his letter to a little far-Western town, an address he had kept in his brain, needing no other record. He wrote soberly and briefly; if there was any hope for him he would know it.

Anne answered from her busy, happy, child-crowded home. He had been tricked by unaccountable rumor; but she let her happiness shine out only as she told him of her children, the boys, the girls, and that the baby was to be christened Lester; she would ask no permission, for he might not wish to write again, and she knew he would not resent a namesake in her son. It was all kind, kind, Anne's own kindness unalloyed by one hidden breath of cheap vanity or cheap levity about things above her. It was mellowed by pain for a revelation that wounded and still anew confounded her. Lester in truth wrote no more; but though this last jest in his tragi-comedy has racked him sorely, he is glad to know all her children's names.



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CLEVELAND AND THE INSURANCE CRISIS

BY GEORGE F. PARKER

ILLUSTRATED WITH PHOTOGRAPHS

NOTHING in his public career gave Mr. Cleveland greater satisfaction than the relation that he bore, in his closing years, to life insurance. He was not astonished at the revelations first made in the Hyde-Alexander quarrel and confirmed and increased by the Armstrong Committee. He looked upon them as natural and to be expected. At the same time, he never exaggerated their extent. He considered these developments the natural result of government favoritism. If he had undertaken to analyze them in their first and last effect, he would have said that they were the outward sign of an inward condition produced by our system of tariff taxes.

When the shock came, there was only one thought in his mind: How shall we get over the effects of this exposure, with the least damage to morals and industry? He did not rush into speech or into print, but when the time and invitation came, was ready to apply himself to the devising of practical methods. He had never so much as thought of having any personal connection with the administration of life insurance companies, in spite of the fact that, among the many ingenious suggestions that were brought forward, was one that he should take the presidency of some one of the three companies involved in the scandal.

On the evening of June 9, 1905, I was called to the telephone by Mr. Thomas F. Ryan, who read to me the following letter which he had written to Mr. Cleveland, inviting him to accept the trusteeship of the controlling stock of the Equitable Life Assurance Society:

38 NASSAU STREET,
NEW YORK, June 9th, 1905.

MY DEAR MR. CLEVELAND: You may be aware that a bitter controversy exists regarding the management of the Equitable Life Assurance Society and that public confidence has been shaken in the safety of the fund under the control of a single block of stock left by the late Henry B. Hyde. This loss of confidence affects a great public trust of more than $400,000,000, representing the savings of over 600,000 policy-holders, and the present condition amounts to a public misfortune.

In the hope of putting an end to this condition and in connection with a change of the executive management of the Society, I have, together with other policy-holders, purchased this block of stock and propose to put it into the hands of a board of trustees having no connection with Wall Street, with power to vote it for the election of directors — as to twenty-eight of the fifty-two directors in accordance with the instructions of the policy-holders of the Society, and as to the remaining twenty-four directors in accordance with the uncontrolled judgment of the trustees. This division of twenty-eight and twenty-four is in accordance with a plan of giving substantial control to policy-holders already approved by the Superintendent of Insurance.

I beg you to act as one of this board, with other gentlemen, who shall be of a character entirely satisfactory to you.

I would not venture to ask this of you on any personal grounds; but to restore this great trust, affecting so many people of slender means, to soundness and public confidence would certainly be a great public service, and this view emboldens me to make the request.

The duties of the trust would be very light, as, in the nature of things, when a satisfactory board is once constituted there are few changes, and all the clerical and formal work would be done by the office force of the company.

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I have written similar letters to Justice Morgan J. O'Brien, Presiding Justice of the Appellate Division of our Supreme Court, and to Mr. George Westinghouse of Pittsburg, two of the largest policy-holders in the Society.

Very truly yours,
(Signed) THOMAS F. RYAN.

Hon. Grover Cleveland,
Princeton, New Jersey.

I was asked whether it would be possible for me to go to Princeton by the earliest train next morning. I requested Mr. Cleveland, both by telegraph and telephone, not to see anybody or to read anything on insurance matters until I could see him, and reached Westland, Mr. Cleveland's residence, before ten o'clock the next morning.

Handing him Mr. Ryan's letter, I at once took up with Mr. Cleveland the general situation. He doubted whether he was the man to enter upon so arduous a work and thus practically withdraw from his retirement; and whether he could afford to undertake a task involving so much risk to his reputation. He urged his unfamiliarity with practical business. To this the natural answer was that details were hardly to be considered: the really important matter was the assertion of broad general principles until the public alarm was allayed.

Cleveland Accepts the Trusteeship

All the objections based upon expediency and experience were met and disposed of to his satisfaction. There remained another and final objection — by far the most serious. This was the unlucky precedent set by General Grant, who, long after the expiration of his presidential service, had been drawn into a banking connection that proved fatal to his fortune, and for a brief time involved his good name. I was able from personal knowledge to assure Mr. Cleveland that Mr. Ryan had purchased the Equitable stock out of hand from his own ample resources; that he sought to avert a great public peril, and neither to make a profit nor to exert a financial power; and that these were the dominating reasons for his acts in purchasing and trusteeing the stock.

When convinced of the disinterestedness of all concerned, he consented to accept the trust, and authorized me to telephone his decision to New York. Upon my return to his room the question was raised as to the form that his acceptance should take. He thought nothing more was necessary than a brief, formal note, to be carried back as an immediate reply to a business proposal. It was represented to him that he had here an opportunity to make an appeal to the country, in the form of a letter, which would exercise an influence more extensive than anything else that could be said. He assented, and on the same day wrote as follows:

PRINCETON, June 10, 1905.

THOMAS F. RYAN, Esq.

DEAR SIR: I have this morning received your letter asking me to act as one of the three trustees to hold the stock of the Equitable Life Assurance Society which has lately been acquired by you and certain associates, and to use the voting power of such stock in the selection of directors of said Society.

After a little reflection I have determined I ought to accept this service. I assume this duty upon the express condition that, so far as the trustees are to be vested with discretion in the selection of directors, they are to be absolutely free and undisturbed in the exercise of their judgment, and that, so far as they are to act formally in voting for the directors conceded to policy-holders, a fair and undoubted expression of policy-holding choice will be forthcoming.

The very general anxiety aroused by the recent unhappy dissensions in the management of the Equitable Society furnishes proof of the near relationship of our people to life insurance. These dissensions have not only injured the fair fame of the company immediately affected, but have impaired popular faith and confidence in the security of life insurance itself as a provision for those who, in thousands of cases would be otherwise helpless against the afflictive visitations of fate.

The character of this business is such that those who manage and direct it are charged with a grave trust for those who, necessarily, must rely upon their fidelity. In those circumstances they have no right to regard the places they hold as ornamental, but rather as positions of work and duty and watchfulness.

Above all things, they have no right to deal with the interests intrusted to them in such a way as to subserve or to become confused or complicated with their personal transactions or ventures.

While the hope that I might aid in improving the plight of the Equitable Society has led me to accept the trusteeship you tender, I cannot rid myself of the belief that what has overtaken this company is liable to happen to other insurance companies and fiduciary organizations as long as lax ideas of responsibility in places of trust are tolerated by our people.

The high pressure of speculation, the madness of inordinate business scheming, and the chances taken in new and uncertain enterprises, are constantly present temptations, too often successful, in leading managers and directors away from scrupulous loyalty and fidelity to the interests of others confided to their care.

We can better afford to slacken our pace than to abandon our old, simple, American standards of honesty; and we shall be safer if we regain our old habit of looking at the appropriation to personal uses of property and interests held in trust in the same light as other forms of stealing.

Yours very truly,
GROVER CLEVELAND.

The trustees met within a week and completed their organization, accepted the deed of trust, and proceeded to the work in hand. Within less than two weeks the names of more than two hundred willing candidates for direc-

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tors had been presented. These were scattered over every State in the Union and drawn from every trade and profession.

Choosing the New Directors

The trustees found a large number of vacancies awaiting their attention, most of them created by the resignation of prominent business men. Among the vacancies to be filled were those made by the resignations of Edward H. Harriman, James J. Hill, August Belmont, Henry C. Frick, A. J. Cassatt, and Jacob H. Schiff, and the spirit that had induced these men to retire also operated to make others apprehensive about filling their places.

Happily, some active associations of policy-holders recommended a few excellent men who were chosen at the earliest meetings, the first being Mr. William Whitman of Boston; but in other cases men were put forward whom Mr. Cleveland refused even to consider. His dogged firmness made it easier for the trustees to resist pressure, the backers of these candidates knowing that when he had once made up his mind, nothing could move him. In one case a Policy-Holders' Association presented the name of an acceptable man, from a distant Southern State, who, however, had no policy — the prime essential for a new director. But so quickly did his friends move, that application for one was made, the examination passed, a policy issued, and a telegram announcing this sent and received between eleven o'clock in the morning and two in the afternoon.

In spite of all the volunteers that were made, it became necessary to seek for men who would be acceptable to the trustees; so from rolls of policy-holders long lists of names were gathered for consideration, and these were supplemented by the names of policy-holders personally known to the members. Here Mr. Cleveland's large knowledge of the country was of great service. Although he had then been out of public life for seven years, it was scarcely possible to mention a man of prominence about whom he did not remember at least something, and from this recollection he generally was able to judge the real character of the man so far as the important matter in hand was concerned. Speculators, members of stock exchanges, and promoters were soon put into the same category with insurance agents, so that the field from which choice could be made was constantly narrowed, while, owing to new resignations, the number of vacancies increased rather than diminished.

As was usual with Mr. Cleveland, he became thoroughly absorbed in the duty that lay next to his hand. He took the same care in picking out a director for the Equitable that he had formerly shown in filling his Cabinets or in choosing high officials of the Government. He took nothing for granted, was considerate of his colleagues, but as critical of their judgment as of his own. There was no give and take among the trustees, no putting in men as a compliment to each other, no log-rolling. There were no compromises, because there were no differences of opinion: from first to last every act was unanimous.

Some idea of the consistent earnestness shown by Mr. Cleveland in this voluntary and unpaid work may be gained from some extracts from his correspondence, during this first and vital year, with the secretary of the Equitable. At the beginning of the second month's history of the trustees, when the difficulty in filling vacancies with fitting men was causing a good deal of anxiety, he wrote, on July 16, 1905, from Tamworth:

> I should be exceedingly pained and disappointed if, with absolute freedom from outside influence and disturbance, we are not able to discharge the duties of our trust in a manner as wise and useful in every direction as the fallibility of human nature will permit.

An Instance of Cleveland's Impartiality

The name of one of Mr. Cleveland's most intimate friends, a successful official in the second administration, had been presented for consideration by one of the trustees, and I had written him something about the matter. In reply, on July 20, he said:

> I expect you somewhat misunderstood my feeling in regard to Mr. E——. I have the highest admiration for his business ability and his qualities of heart and conscience. I am personally very fond of him and would trust all I have in his hands. He has been concerned in some underwriting operations; and while I have no idea that these have been in the least questionable, measured by accepted standards, I feel that underwriting just at the present time is, or ought to be, a little out of fashion among directors of the Equitable Assurance Society. Solely for this reason, I have been inclined to allow this otherwise good name to drop out of consideration.

Mr. Cleveland was consulted about the general policy of the Society — although that lay entirely outside his duties. In the same letter he expressed an opinion upon what was then, as now, a burning question in insurance circles:

> I cannot rid myself of the idea that "agencies" and their relationship to the Society should, in their turn, and in a careful manner, challenge an important amount of Mr. Morton's exceedingly promising and encouraging labor of rehabilitation. I have, however, great confidence in the efficiency of his

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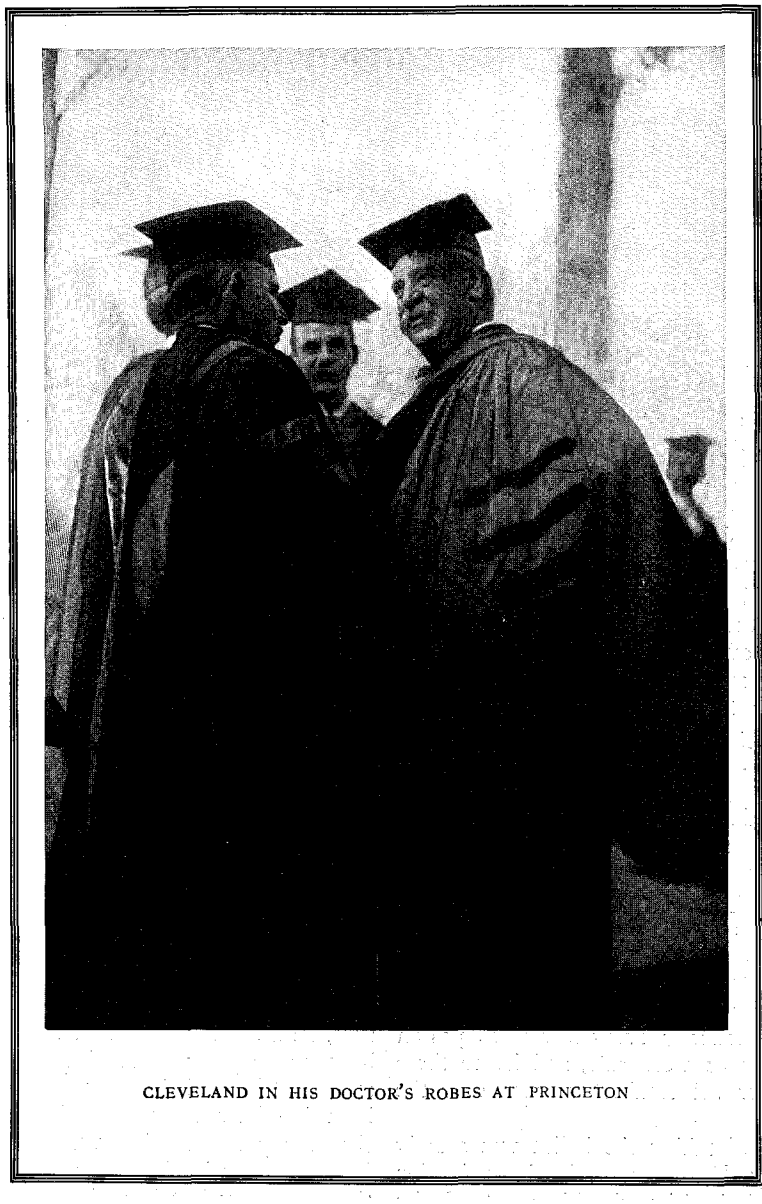
work, so splendidly begun, and I do not believe he will allow himself to be misled by agency influences.

The sense of responsibility grew upon him as he came into closer touch with the duties of his place. This was shown in the letter next quoted:

> I am constantly thinking of the responsibility of my trusteeship, and I have never been more anxious to do exactly the best thing for the interests legitimately involved. I so fully realize the surroundings of these interests and so fully appreciate Mr. Ryan's encouragement that I shall feel almost disgraced if the remainder of the directors chosen by the trustees are not exactly the men needed for the emergency.

Like expressions appeared in most of his letters from this time forward, until the most serious difficulties had been overcome. Some of these follow:

> [July 23] Somehow I am impatient to be doing something to help the Equitable conditions, but I suppose there is nothing I can do.
>
> [August 20] At the same time, I regard my trustee duties as of paramount importance, having the first claim upon my time and attention.
>
> [October 1] Somehow it seems I have an unusual number of things on my mind just now which perplex and embarrass me, but, above all others, I feel that the duties of my trusteeship demand my first attention.



CLEVELAND IN HIS DOCTOR'S ROBES AT PRINCETON

During the succeeding year the work of the

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trustees continued to be arduous and difficult. The new administration was getting its hand in most successfully. Among other questions demanding close attention was that known as "mutualization"— the only one upon which Mr. Ryan's attitude in buying the majority stock had bound the trustees. He was determined upon this as the proper policy, and so, against Mr. Cleveland's judgment, action was taken which anticipated the laws passed at the succeeding session of the Legislature, submitting to the policy-holders the election of directors who should represent them in the Board. Accordingly elaborate circulars, very carefully drawn by Mr. Cleveland himself, were sent to more than 350,000 policy-holders of record. These were accompanied by blank ballots and also by proxies of which the trustees were the official committee.

Taking the Vote of the Policy-Holders

The task of communicating with this vast army of persons was, in itself, a difficult one; but it was easy in comparison with that of making them understand what was wanted. When the polls were closed, within a day or so of the annual election in December, returns had been received from 90,000 persons, of whom just over ninety-five per cent had sent proxies and the remainder a jumble of ballots. The trustees were thus given absolute authority to represent and vote for the policy-holders. Some curious results were revealed.

One candidate living in a Southern State, for whom the agents of the Society had canvassed in the preceding year with such success that practically every qualified voter of the Society within this jurisdiction had sent a letter or signed a petition, now received less than fifty votes. The fact that the names of the trustees appeared upon the proxy had convinced practically every interested person that his interests were safe, and hence there was no longer the smallest concern over the matter.

The work of taking the ballot was greatly increased by Mr. Cleveland's determination that no technicalities should count. Rules had been carefully devised, and the clearest of all possible explanations made, but, in spite of these efforts, many persons did not understand. His insistence upon this care rendered it necessary to answer probably from three hundred to five hundred letters a day by entering more fully into details, so that no excuse would remain for complaint. Many proxies were sent to him in Princeton, and their transmission was generally accompanied by instructions of which the following is a sample:

PRINCETON, October 23, 1906.

MY DEAR MR. PARKER: I inclose another batch of proxies, etc., for your care and attention. I think the proxies sent to me by policy-holders in the Mutual, or any other company except the Equitable. ought to be returned to the senders with the statement that I cannot act for them.

I am exceedingly anxious, however, that every policy-holder in the Equitable Society who evinces a desire to vote, either by proxy or personally, should be aided in every possible way; and to that end I want the utmost care to be exercised in the correction of their mistakes and misapprehensions. You will notice one case in which a policy-holder fears that a proxy is invalid if not made *more* than two months prior to the day of election.

This is a curious interpretation of the "directions," but the matter ought to be explained to the writer.

Yours very truly,

GROVER CLEVELAND.

George F. Parker,
120 Broadway, New York.

When the organization work of the trustees was fairly under way, and its effect upon the country and public sentiment could be fairly seen and measured, Mr. Cleveland said to me:

"On the whole, I have never been so well satisfied with any public service that it has fallen to my lot to render as with what I have been able to do as trustee of the Equitable. Its results have more than repaid me for the labor and anxieties. I can now see that the scandals growing out of the insurance irregularities were really a manifestation of popular hysteria. Nothing could have been more fortunate than to have the situation met in the courageous way taken by Mr. Ryan. Looking back it is next to impossible to imagine what harm might have been done to confidence and credit had not some such action been taken in the nick of time."

In 1907, when the panic came in real earnest, he always insisted that if appeal had not been made to conservative and conserving sentiment in good time, the results would have been infinitely more hurtful, for the reason that the public officials who had fanned the flames became in time powerless to extinguish them. At my last interview with him, about a fortnight before his fatal illness, he said:

"When I was first asked to do something to allay the excitement accompanying the insurance scandals, I hesitated to take part in the movement. It interfered with the quiet that I had needed and found. I was fearful lest I might be drawn into something that I did not understand and was too old to learn. I had long known Mr. Ryan — always favorably — but the very fact that he was supposed

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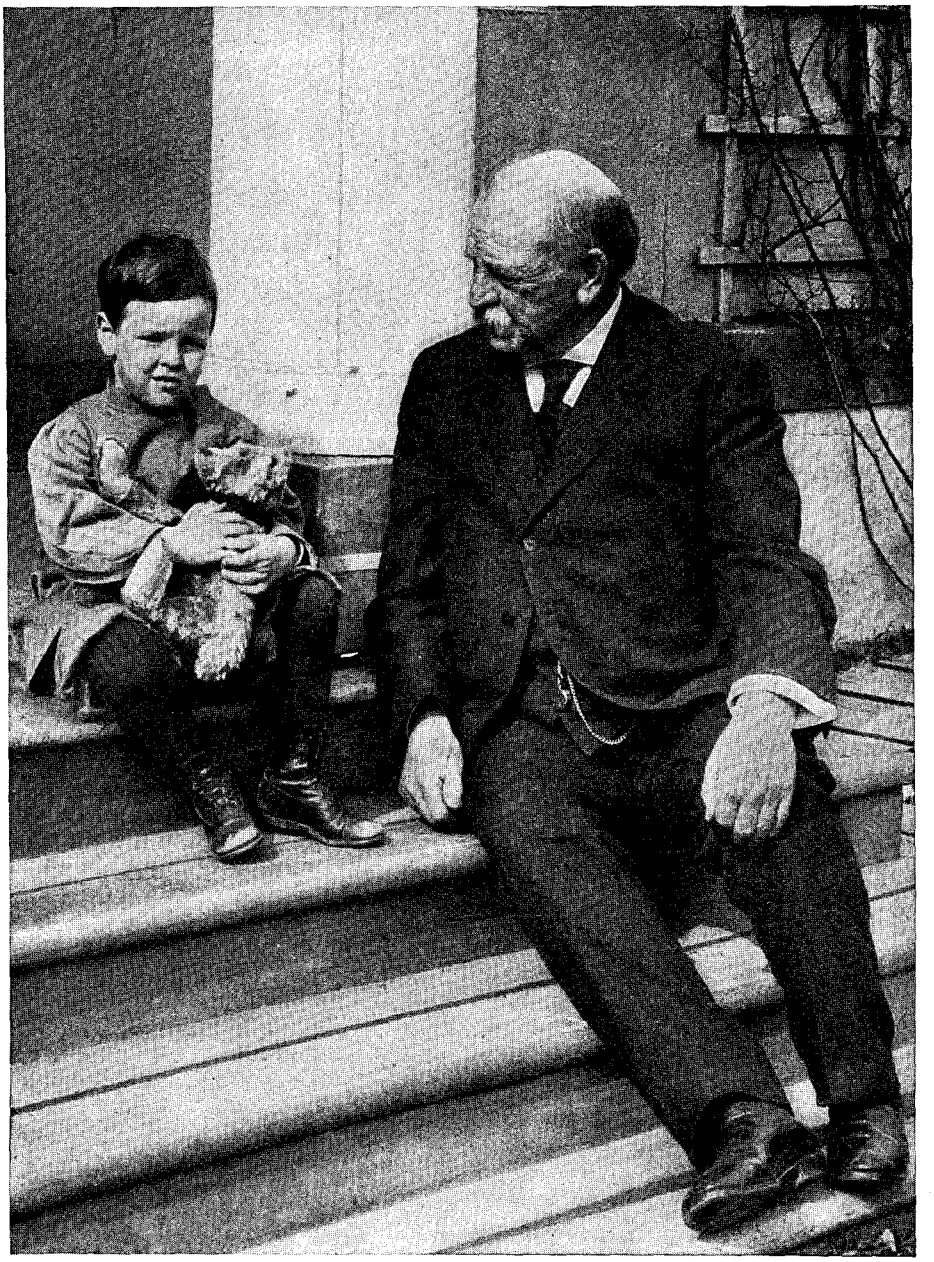

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GROVER CLEVELAND AND HIS YOUNGEST SON, FRANCIS GROVER CLEVELAND

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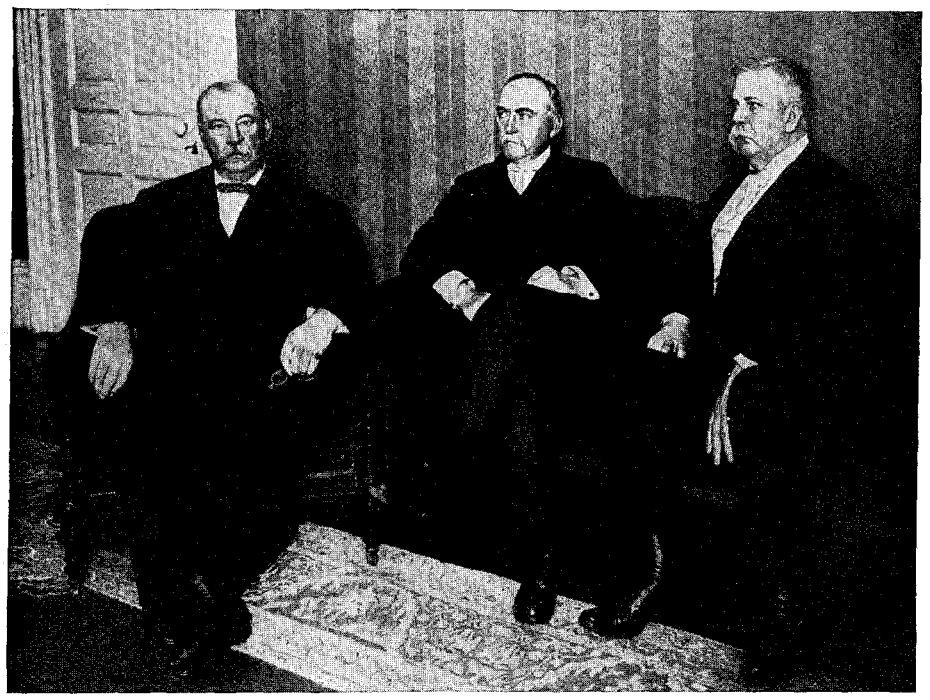

GROVER CLEVELAND, MORGAN J. O'BRIEN, AND GEORGE WESTINGHOUSE, WHO IN 1905 BECAME THE THREE TRUSTEES OF THE EQUITABLE LIFE ASSURANCE SOCIETY

to bear such close relations to great financial ventures made me doubt whether or not I could have the free hand necessary to do good service. I finally concluded to accept, without any assurances whatever, and did not see Mr. Ryan until the formal trust deed was signed. From that day to this I have never had from him any request of even the simplest character to do anything in Equitable matters which had the smallest relation to what were supposed to be his interests. I have seen him seldom, at times not for three-month intervals, and I must say that, even when I have felt that I needed his advice and assistance, he has generally declined to express an opinion one way or the other. I consider that he has done a great public service and in the most unselfish way."

Cleveland Misrepresented in his Insurance Interview

For some time he had been looking for a favorable opportunity to say these things to the public, and finally, after much solicitation for an interview on politics from a New York paper which as continually pursued him as it persistently misrepresented him, he saw one of its reporters and consented, just before his last birthday, to talk about insurance. When the interview appeared, he had gone to Lakewood, from which he was to return only to die. It was clear to his friends that some opinions never held and never expressed by him had been interpolated in it. Within an hour of reading it I wrote to call his attention to the article, offering to go at once to Lakewood in case he wanted to disavow publicly the sentiments attributed to him. This he seldom did, even in the most flagrant cases, because, as he always insisted, the truth would never overtake a lie of this sort. He was then in a very serious condition, and few of his friends believed that he would ever leave Lakewood alive. Nevertheless one of the last letters he ever wrote, in a trembling, shaky hand which revealed his condition, was the following:

LAKEWOOD, NEW JERSEY,
March 24, 1908.

MY DEAR MR. PARKER: I do not think it would be at all profitable to follow up by formal denial the misrepresentation that has been allowed to appear

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in good company, so far as what I said concerning Mr. Ryan. It seems to me easy to discover how much the few words, put in for the purpose of *singling them out for editorial use*, are at variance with the purpose and intent of the interview. I intended to give evidence of Mr. Ryan's useful and disinterested conduct in affairs with which I was familiar — and I certainly had no idea of intimating that in his large affairs he acted without appreciating or caring for the distinction between right and wrong.

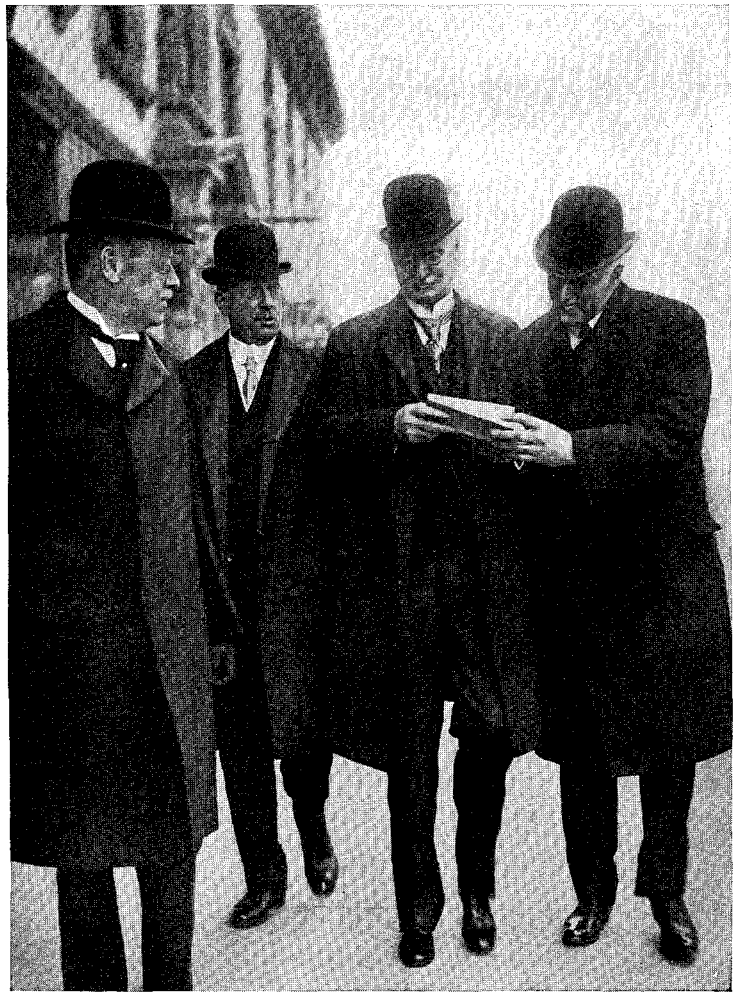
Nothing I said to the reporter could, with decency, truth, or fairness, be twisted to have any such meaning.

The reporter took no notes at all. I think my consideration for newspaper reporters, which resulted from an unusual fit of damfoolishness on my part, has expended itself for the year beginning with my 71st birthday.

Yours truly,

GROVER CLEVELAND.

George F. Parker, Esq.,
Equitable Building, New York.



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A SNAP-SHOT TAKEN ON WALL STREET, SHOWING (FROM RIGHT TO LEFT) HERBERT H. VREELAND, THOMAS F. RYAN, AND THEIR ATTORNEYS, STANCHFIELD AND DE LANCEY NICOLL

Nothing could have been more fortunate for Mr. Cleveland than this last excursion into public life. He was interested deeply in the work; it pleased him to feel that he was again doing good; he was again drawn into the circle of large influence and association, and found himself discussing and deciding upon questions that were vitally important to the country.

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SERGEANT McCARTY, MAN HANDLER

BY

P. C. MACFARLANE

ILLUSTRATIONS BY MAYNARD DIXON

MAN mastery — what is it?

Take, for example, this incident in the life of Sergeant McCarty. It was partly in the line of his duty, and partly a whim of foolish pride and cock-sureness, but it came his way to do the thing, and he did it, all in the day's work — did it smashingly, and was back next day on his district with just the slightest perceptible additional Irish swagger to his shoulders.

McCarty's brogue had been as thick as his tough skull once, but now it was mostly worn off, and returned only in times of great mental stress. He had a neck like a bull's, and square, stocky shoulders. Sturdy legs like concrete piers supported his thick-set body. But, for all his heaviness, he could be lightning quick. His beady blue eyes saw everything, and his broom-colored, fierce-grown mustache masked a determined mouth. This was why the Chief called him in one day and put him on the Ernshaw Cutlery case.

The Sergeant was wise to canniness, and when put on a special assignment cocked his shrewd eye inquisitively in the direction of the upper office and studied the weather sign as shrewdly as an old gander, before he launched himself.

"Never mind the men," said the Chief; "it's the stuff we want."

Incorruptible as the white sunshine itself was McCarty, but — he realized that there were certain exigencies to be considered in all police work, and he looked to his superiors to read the dots and dashes of public sentiment, while for himself he read merely the pulse of the upper office.

"The swag, eh?" he questioned, turning on his chief a quizzical glance meant to pierce the hard brow and iron out smooth and clear the last purpose that lay in wrinkling concealment behind the most posterior convolution of his superior's cunning brain.

"Yes," explained the Chief. "Old Man Ernshaw's in here every day talkin' with tears in his eyes. Says there's three thousand dollars' worth of fine cutlery gone, and it'll ruin him to lose it. He's willing to let the thieves go if we can only get back the goods. Tom's been on it three days and don't get anything, and here's Ernshaw cryin' round, and I can't stand it; so I tell you to get it! See?"

McCarty saluted respectfully, and his chest swelled an inch.

"Tom" was Captain of Detectives Thomas Hodson, and for plain Sergeant McCarty to be put on a cold trail when a captain of detectives and twelve men had failed on a hot one, revealed an appreciation of his prowess that was pleasant indeed to contemplate.

"And if I get the men?" queried the Sergeant, a bold idea entering his mind, as, having gone as far as the door on his way out, he turned, hand upon knob, and cocked that keen weather eye, not exactly in the face of the chief, but in his general direction.

"Why, get 'em, damn 'em!" blurted out that gentleman, with unexpected warmth. "Serve 'em right if you do get 'em. They're becoming too avaricious — this cutlery push. They'll be stealing the safety razors off the commissioners themselves if they ain't pinched soon."

Brandt was a stolid old fellow who had graduated into the Chief's chair after thirty-five years of service, beginning on a beat, and he cherished the opinion — which, by the way, is more general among police officials than ordinary folk might like to think — that burglary, highway robbery, and kindred crimes are vices to be regulated rather than suppressed.

Sergeant McCarty, the Hibernian blood in his veins feeling a bit cocky, strolled down Market Street a few blocks, stopped, and looked across at the workmen engaged in placing a new plate-glass front in the window of the Ernshaw Cutlery Company. An old game had been worked here with modern trimmings. It used to be a blanket smeared with molasses and pressed up

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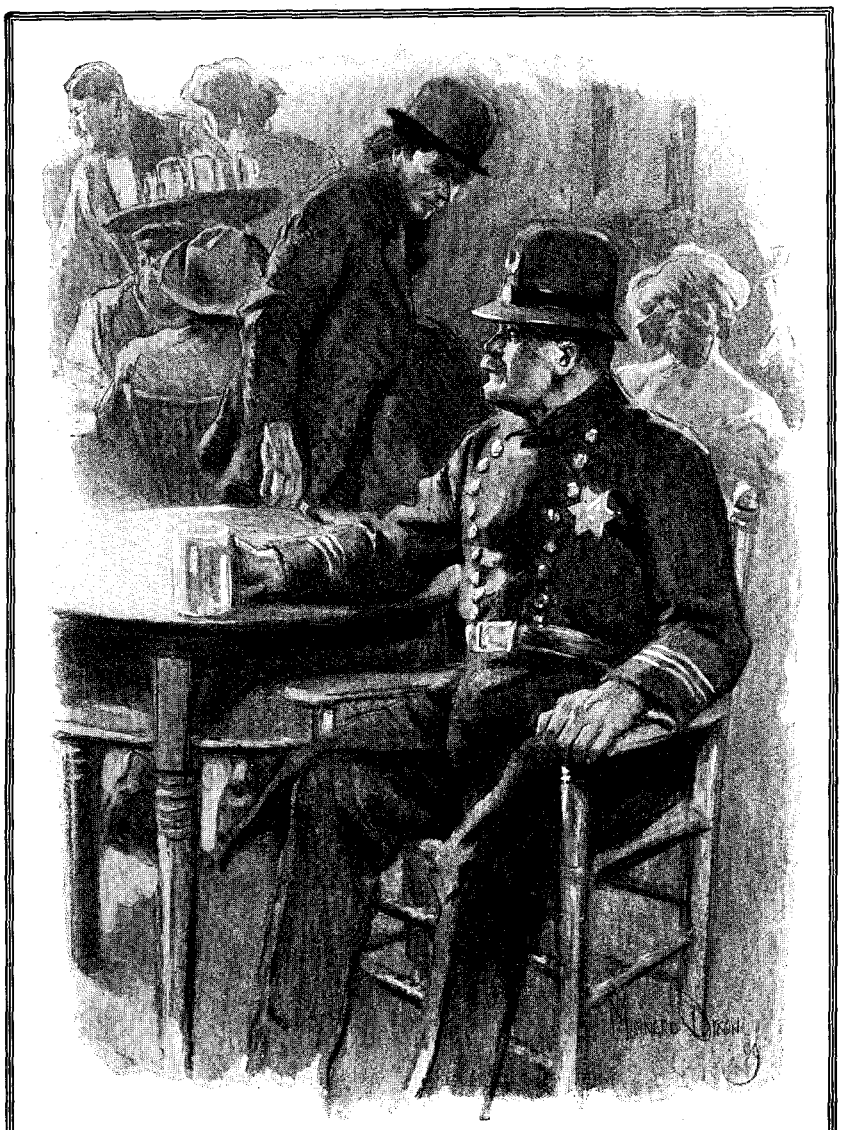
against the pane, then sharp blows with a small cobble or a hammer, which broke the glass in small bits without noise, and left it adhering to the blanket. But this gang had used a square cut from the awning over the window, smeared in the thick crude petroleum lying in the gutter where men had been repairing the street. And it worked even better, for there was no clue to be gained by tracing a blanket, and the oil was thicker and more adhesive than molasses.

"About three of them did that job," said McCarty to himself, sauntering across. "One to go inside and pass out the stuff, another to take it under the awning and into that dark doorway in armfuls, and a third in the doorway to pack it in a trunk. They had half an hour to do the job before the patrolman sighted the window again. And that was a plenty. But — how the devil would they get the trunk away?"

That was what had puzzled Captain of Detectives Thomas Hodson for three days. It bothered McCarty about the tenth part of a second.



"'HAVE A SEGAR, SARGE,' SAID A WHINING VOICE"

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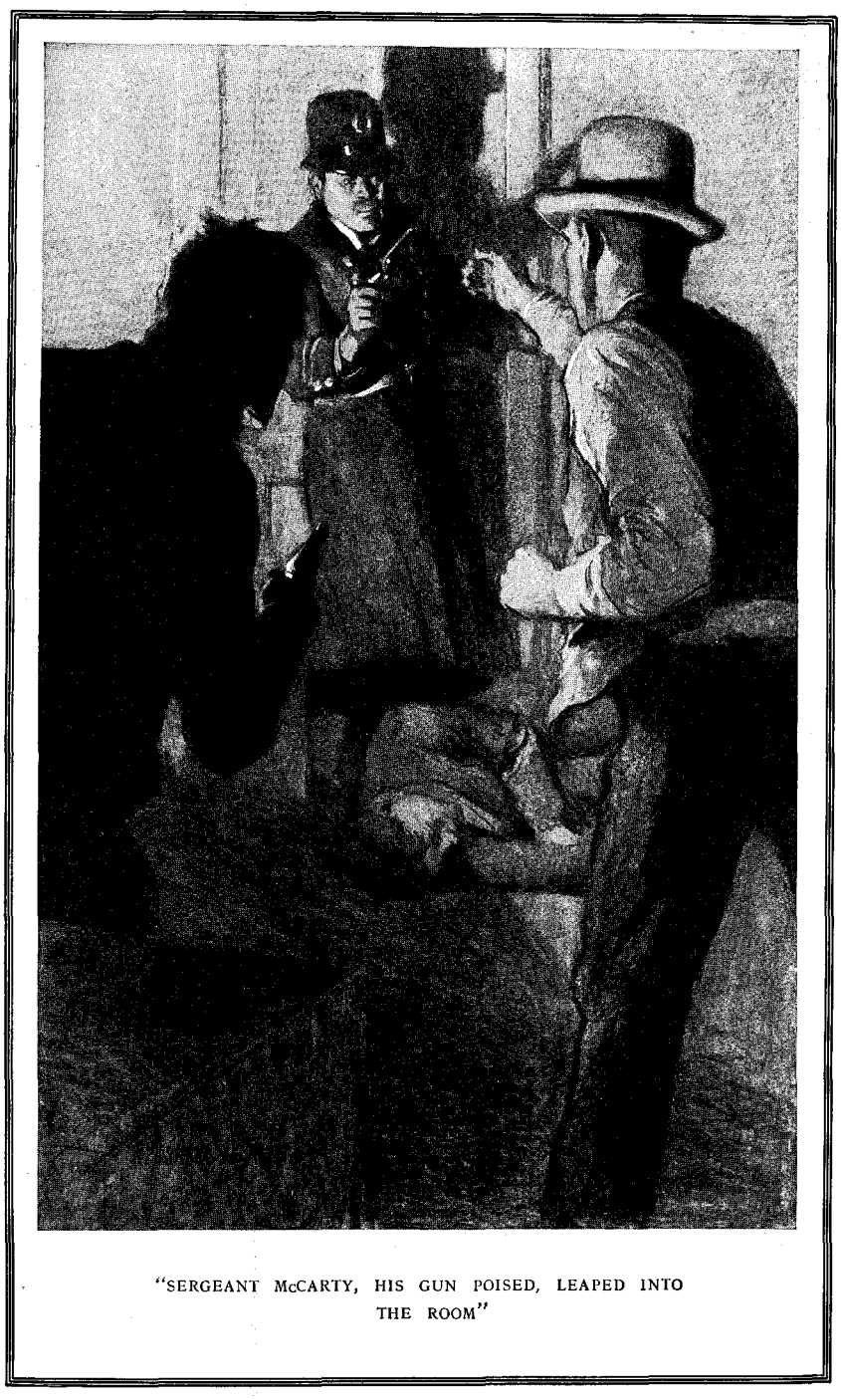

"SERGEANT McCARTY, HIS GUN POISED, LEAPED INTO THE ROOM"

"Oho!" he said to himself, looking up at the building on the lower floor of which the cutlery store was housed. "Oho! They didn't take it away. The three of them merely carried it upstairs and into the room of one of them who happened to be stopping at the 'Busy Bee Lodging House.'"

"Any of your people move out lately?" asked the Sergeant of the landlord of the "Busy Bee," when he had climbed the stairs.

Now, there is nobody more averse to giving information than the keeper of your small transient hotel, and he has withal a most decided aversion to the presence of police officers. Sergeant McCarty's ordinary conversational tones were anything but confidential. They

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could be heard for a block or so. And he had made his inquiry in a conversational tone. The landlord stood, hesitating.

"Well!" burst out McCarty, with an impatient, bull-like roar.

"Yes, yes!" exclaimed the landlord excitedly, suddenly recovering the power of speech, and rubbing his hands, while his long, sparse beard trembled with the quivering of his chin, and he cast anxious eyes in all directions to see if any of his guests had been disturbed. "Yes, yes," he iterated, reaching for the register which McCarty's keen eyes were quickly scanning.

"Well, where is No. 9?" questioned McCarty, again in his conversational tone, which to the timid landlord was frightful enough; for McCarty's quick eye had swept the entries on the page and seen that but one account had, in several days, been checked closed, and that this was for Room 9.

No. 9 suited with his theory, for it would be on the lower floor.

"There by the stairs," said the man, in nervous tones.

"Who was this Mr. Ansel, anyhow?" still queried the Sergeant, as he led the landlord in the direction indicated by the latter's nod.

The landlord started uncannily. The police officer had seen so much in that swift glance.

"I do not know," came the hasty answer. "He was out nearly all night always. He said he was an orchestra leader in an all-night dance-hall."

"And how long had he been here?"

"Four days."

"Yes, I see, by the register; but, how long — how long before that?"

"Never before."

"And he moved again so soon?"

"Yes."

"Did he have any company?"

"Yes; two men came to see him a good deal."

"And what like were they?"

"Just two men, smooth, one good-looking and the other not."

"Look like mechanics?"

"Maybe, sometime, but not like men who worked now. I thought they would be the same kind as himself."

"You mean all-night dance-hall crowd?"

"Yes."

"Have any baggage?"

"Two trunks."

"Two? And he leads the orchestra in a dance-hall? He must have as many uniforms as the Emperor of Germany."

"But one of them was music."

"Music?" ejaculated the Sergeant in surprise, with a rising inflection.

"Yes, musical scores."

"And how the devil did you find that out?"

McCarty had darted a shrewd eye at the landlord, suspecting for the first time that he was lying to him, or trying to cover up.

"Oh, they told me. You see, it was very heavy, that trunk — and there was a peculiar thing about it. I didn't see him bring that trunk up. The two stoutest of them carried it down, sweating, and I suppose I looked at it kind of surprised, and then Ansel explained to me. He said it was musical scores. He had a row with his boss the night before, he told me, and they chucked him into the street, music and all, and his friends helped him to bring it up here. Next day he got another job 'way out by the Presidio, and he was moving out there."

While this rapid-fire conversation was going on, they were inspecting the room, and McCarty was thinking: "And the swag laid right here till yesterday, and that bone-brow, Hodson, was off scourin' the junk shops, and watchin' the transfer companies, and hangin' round the docks!"

"What's this?" he said aloud, delving into the ashes in the fireplace and bringing up a round rim of metal about the size of a half dollar, the center being a circular cardboard, badly charred. He held it to the light, and his eyes answered the question of his lips. It was a price tag, such as merchants tie on their goods, and upon it was the figure $14.00. The ashes were full of the little metal rims, but the cardboard was burned out of the others.

"What time did they go away yesterday?"

"About two o'clock."

"Who took them?"

"I did not notice them when they left here, but about five or ten minutes after I was over on Geary Street, and I saw the three of them. They had a one-horse wagon, and one was driving, and two were setting behind on the trunks, back to back, facing each way."

"Headed for the Presidio?"

"They might have been."

"What kind of a wagon was it?"

"That's what I can't remember, except that it was not a regular express wagon. It had a long body. Looked like some kind of a tradesman's wagon."

"A painter's, think ye?" promptly questioned McCarty, his eyes agleam.

"Why, yes, it might have been; it was long like — like for ladders, all right."

"Uh-huh!" grunted McCarty, satisfied with that. "Did he leave any mail address?"

"No."

"Get any mail while he was here?"

"No."

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"If you see any of them again, let me know when and where and how, quick, do ye understand? — or I'll put your old rookery in the little black book, do ye understand?"

"Yes, Sergeant McCarty," humbly promised the landlord, who, in the very beginning, had made up his mind that the surest way to get rid of McCarty's unwelcome presence and avoid his future suspicion was to tell him everything and be square. No use trying to fool McCarty. Everybody understood that. It might go once, but ——

Sergeant McCarty plodded stolidly downstairs.

He was dealing with a shrewd bunch. Look at the way they had turned the whole trick — even kept the swag two days in the very house from which it was stolen; and the way they got it out without using an expressman. That explained something else, too, which came within the Sergeant's ken. He had a report on a painter's wagon, stolen from a place on Minna Street, and hunted for by his squad for hours. Later the horse was found away down on Kentucky Street. That was all clear now. But where did they go with the trunk? Not to Kentucky Street. They left the horse down there for a blind, in case it should be traced in any way. And not to the Presidio neighborhood. That was a lie for the landlord.

"Oh, yes," said the Sergeant profanely, at the end of his ruminations. "There's a hell of a lot of places they didn't go. What I want to find out is where they *did* go."

And then he spied Jimmie the Rat.

Sergeant McCarty had just planted his feet upon the pavement when he saw the slender, wan-faced creature with long, straight hair sweeping his coat collar, for shirt collar there was none; and the low forehead that sloped back terribly, giving greater prominence to the tiny, strangely set black eyes that could almost wink at each other over the low bridge of his nose. The rat-eyed youth had been surveying the scene of the robbery furtively, and the Sergeant's keen glance had caught the expression of his face for a single second. In the same instant Jimmie the Rat had spied the Sergeant and had quickly melted out of sight, frightened half to death.

"The Rat is on," said Sergeant McCarty to himself, "which is the very next of kin to me bein' on myself."

Jimmie the Rat was a strange, unplaced creature of the underworld. He was in the way of knowing much that Sergeant McCarty wanted to know, and, occasionally, when he dared, imparted the same for a consideration sufficient to buy him the price of a few shots from the little needle-gun in his vest pocket, which was empty far too often to please his drug-hungry veins. Jimmie lived in constant fear lest his dual relationships should be discovered. He felt that there were some who, if they knew the things he told the Sergeant, would rashly cut his throat, and that there was a police sergeant who, if he even surmised the number of things Jimmie knew and did not tell him, might pick him up in his great hands and break his back over one knee.

So, being a man of dangerous occupation, Jimmie, the minute he laid eyes on the Sergeant, hied him to the very center of his darkest haunts.

As for the Sergeant, he chuckled to himself, and, making no effort to follow Jimmie, walked straight down to the corner of Kearny, where he met a policeman, saluted him, walked by a step, and, standing there, almost back to back, with his hand over his face, whispered into the officer's waiting ear in the soft, rich brogue that was the badge of his most confidential air:

"Whist, officer! Get me Jimmie the Rat, quick!"

"Yis, sor," was the low-spoken answer.

Then, with a gleam of satisfaction in his eye, Sergeant McCarty swung himself upon a car and sat down with his hands crossed over his broad stomach. He was bound for the City Hall to wait, and in his fancy he was following the quest for Jimmie the Rat. He knew just about what was happening. The policeman to whom he had spoken had already moved north on Kearny Street. Presently he would meet another policeman. The two would salute, would playfully insert their white-gloved thumbs in each other's belts, and would stand for an instant very close together. In a voice of extreme privacy the first patrolman would say to the second:

"Sergeant McCarty wants Jimmie the Rat, quick!"

Then they would separate, each turning back along his beat. The second man, two blocks farther on, would meet three others whose beats cornered on his, and to each the same remark would be made.

Fifteen minutes or so later one of the three would probably stand waiting at a signal box, and by the scruff of the neck he would hold the wriggling person of Jimmie the Rat.

"The Rat again?" the wagon man would question as he arrived.

"Yes."

"What's the charge, Officer?"

"Pickin' pockets," or something like it, would be the reply of the officer, so loud that the crowd that always gathers could hear plainly. Then, as the officer took the other arm

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of the protesting Rat and lifted him bodily into the wagon, the arresting officer would bend over and whisper something in the ear of the wagon man, who would prick up his ears and nod understandingly. Ten minutes later the Sergeant himself would be sweating the Rat in his own office.

This arrest was an old gag. For the Rat to be seen in conference with the Sergeant, or for him to go to the station to see the Sergeant, would have excited the suspicions of Jimmie's social acquaintances immediately. But for Jimmie to be arrested for picking pockets, smoking opium, vagrancy, or any one of half a dozen other offenses was the most natural thing in the world.

It all fell out just as Sergeant McCarty had mapped the action in his mind.

"Who done that cutlery job, Jimmie?" he asked fiercely, after he had gone through certain always necessary preliminaries, which consisted for the main part in scaring that nervous wreck almost into spasms.

"Mike the Mucker and two guns that are new on me," responded the Rat promptly, gasping in fear.

The Sergeant thoughtfully chewed his broom-colored mustache, his blue eyes twinkling cautiously. Mike the Mucker was the most desperate criminal on the Pacific Coast. He was wanted in so many cities for so many crimes that capture would mean life imprisonment, and it was his boast that he would never be captured.

"And what like are the new guys?" asked the Sergeant abruptly, having hefted Mike the Mucker in his mind.

"Awful tough mutts. The worst I ever seen. Let 'em alone, Sarge," whined the Rat.

The Sergeant's lip tightened under the yellow scrub. He was a police officer, and he would do a police officer's duty, which was to obey his superior's order and get the stuff, and — if he got the men, too, it was all right.

"Never mind about that, Jimmie," commanded the Sergeant, plumping out the words from somewhere deep down in his chest. "I want to know where the swag is, and I want to know quick. There's a five when you get it, and the five's a ten if you get it to me before ten o'clock to-night."

"Gimme the fiver now, Sarge," squealed the Rat, his pinched face flushing and his eyes lighting with the drug hunger.

"When you do the job," responded the Sergeant emphatically, well knowing that money and a morphine jag went instantly together in Jimmie's case.

"And don't you fail to get it!" thundered McCarty, by way of speeding the parting guest, waving his long index finger ominously in the face of the Rat. Jimmie backed into a corner, casting his frightened, hang-dog eyes this way and that as if looking for means of escape, and whined:

"I will not, sir."

"Then go, and be damned to you!" exclaimed the Sergeant, stepping back and pointing to the door.

Jimmie the Rat left the Sergeant's office almost on the run.

In the hall, a few moments later, Sergeant McCarty met Captain of Detectives Thomas Hodson.

"Have ye anything new on that cutlery case?" said Sergeant McCarty, casually, but directly.

"What the hell business is it of yours?" responded Hodson sourly, not looking up from the floor on which his eyes were fixed, as he turned toward the front office.

"None; I was just askin' ye," murmured the Sergeant meekly to the Captain.

"He has not," said the Sergeant proudly to himself under his breath, the warm cockles of his heart glowing with satisfaction.

Then the Sergeant went to Geary Street, where the landlord of the "Busy Bee" had last seen his musical guest and his two friends, with the trunk full of musical scores.

"Now, let me see," said the Sergeant, staring hard at the paving-stones. "If I was a harse and a stolen painter's wagon, and three men with a trunk full of wardrobe, and a trunk full of stolen cutlery supposed to be music scores, and was right here in Geary Street runnin' from wan hotel to another, and tryin' to get out of town with the swag, which way would I be goin' from here and what would I be doin'? Well, first of all, never a railroad train, and never a steamboat, and I wouldn't try the counthry road, because there's no accountin' for a painter's wagon on a counthry road with three men and a trunk full of music scores, and no ladders, nor paint, nor brushes, nor overalls. No, I would get out of town from the water-front with a rowboat or a launch; yes, a little bit of a launch, and a — let me see: I would just charter a launch for a little huntin' trip up the river, and then I'd load me outfit into it, and I would be gone. But"— and he paused — "how the devil would I get from Geary Street to the launch? Drive down there at two o'clock in the afternoon, and every cop on the water-front fairly stickin' the eyes out of his head in an honest endeavor to inspect every mysterious package that come across the sea-wall? Not by the curl of me hair, no. I'd go and lay up

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somewhere till the dark night come, and then I'd dodge down there to the water and just fade away like the fog.

"First, then, with me harse, and me trunks, and me two companions, from right here on Geary Street, I'd wind around some till I'd mixed up everybody, includin' the faithful harse. Then I'd hie me for a cheap lodgin'-house near the front, and I'd get me a room on the dark side of an alley one floor up, which I had engaged beforehand. Come the dark night, I'd let me trunk out the window to the alley."

Spinning his theories, Sergeant McCarty dreamed his way up and down the stony streets of the Barbary Coast, while darkness fell, and the early hours of night wore on. The Sergeant sauntered in and out under the glare of lights, exchanging loud-voiced salutations with the men upon the beats, with the keepers of dives and dance-halls, and with the sports of various kinds who dared to claim a speaking acquaintance with the most feared sergeant of police who had ever been on duty in the Tenderloin.

"Where the devil is the Rat?" exclaimed the Sergeant to himself, for the twentieth time. It was near ten, and not a word, not a whisper from him. The Rat must have seen him repeatedly. A score of times he had sauntered out of the bright white light into dark corners, past deep, shadowy doorways where the Rat might have lurked for a moment and given the information he wished to have. The Rat seldom failed him. Would he now? The Sergeant made up his mind that if he did, he would send him up for six months the next time he got his hand on him.

While he wandered and waited, something kept bringing his footsteps back to a well-known corner on Stockton Street, well over toward the North Beach. Again and again his footsteps turned that corner, and his eyes swept upward at the dull, unattractive, tenement-like structures that framed the four corners of the streets. Any one of these rookeries was likely enough. But to go in blindly was to invite defeat. Heaven only knew how swiftly Sergeant McCarty could act when he saw his way, but rock formation could not be slower than the same Sergeant when his cunning eyes could find no way before him on which to plant his solid steps. And as yet the Sergeant could not see, so he turned in at a beer hall in the basement of one of the corner rookeries mentioned, to sip a mug of beer, to look about him, and to think.

The ground floor above was a cigar factory. Above that were furnished rooms, the usual water-front type of lodgings, roughly kept by a rough man for others rougher than himself.

It was already long past ten. The Rat had lost his premium. The place was filled with tobacco smoke; there was music and cracked singing from the little concert stage; throngs were moving in and out. The Sergeant wiped the foam from his mustache and studied the throng curiously, exchanging salutations as usual; and now and then a ward worker, who claimed more than a mere bowing acquaintance, stopped and exchanged a word with him. But the Sergeant's manner was not hospitable, and no one presumed to sit down at his table.

"Have a segar, Sarge," said a whining voice, which passed by so quickly that McCarty caught no more than the merest glimpse of the attenuated form as it faded away through the wreathed smoke.

"The Rat at last! Blessed be the Virgin!" murmured the Sergeant, taking up the cigar with a most casual air and scrutinizing it critically with the air of a connoisseur, and also, it may be added, with the eye of a shrewd detective. He instantly observed a peculiar raised ring underneath the wide gilt band that encircled it near the center. Then, with all the deliberation of a well-controlled man whose every move might be watched suspiciously, he bit off the end and lighted the cigar, puffing luxuriously for a few seconds, while the gilt band glittered plainly midway between his lips and the quick-forming ash. The Sergeant finished his beer, and, with his cigar held carelessly between two fingers, he rose and strode toward the lavatory, which was under the pavement in front, near the steps leading to the street. Here, for a single moment, the Sergeant might be free from scrutinizing eyes. Swiftly he slipped off the cigar band, extracted the little flat circle of tissue paper that had been folded under it, and read:

The stuff's upstairs. About one it's coming down from the window into the alley. They're bad ones. Look out!

About one o'clock: it was 12:50 now. No time to wait for reinforcements. He must act quickly; it was one man against three.

In the most leisurely manner imaginable, so far as appearances might go, Sergeant McCarty, puffing at his cigar, strolled upstairs into the street, and round the corner to the alley. Back of the alley ran a lumber yard, across several blocks, almost to the very water-front. Sure! The very spot for such a thing. They would lower the trunk to a lumber truck and run it across lots to the waiting launch; and — yes, there in the shadow, lying up against the side of the building, and directly under a window from which a faint rim of light gleamed beneath the curtain, was a lumber truck.

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It was all very much as he had reasoned it out hours before. One man would stand below, and two would lower the trunk from above. To secure the swag, all the Sergeant would have to do would be to step into the shadow of a lumber pile and wait till the burden was lowered, then throw his gun on the man below and hold the swag.

"With the chance," said the Sergeant immediately to himself, "of me gettin' fooled by them takin' the trunk out some other way after all. So I don't do it. Me for the place where the trunk and the men are, and that mighty quick."

Already the Sergeant had started back for the front on the dead run. This was the time for action. By good luck he met the patrolman at the corner.

"Quick, Meyer!" exclaimed the Sergeant in a low whisper. "Ring for the wagon and a squad at the box. Then run around to the alley in the rear, and watch for a trunk comin' out of a window. Take no chances. Shoot if your own shadow moves close to ye."

As McCarty entered the ill-lighted hall from which ran the stairs to the second floor of the building, he saw a man near the top of the flight coming down. With a hasty stride the Sergeant gained the lowest step, when, as his hand gripped the rail, the feeble rays of the smoky lamp swinging above fell upon the stripes on his outstretched arm. It might have been a coincidence, but just at this moment the man coming down turned and went back, so quickly that when the Sergeant, going up three steps at a time, reached the top, he was nowhere in sight. But Sergeant McCarty, like a locomotive under full steam, darted down the hall toward the back, seeking to locate the room from which had come the glimmer of light. He heard the closing of a door, and arrived in time for his keen ears to catch the grating of a key in a lock. Then the key was withdrawn, and a tiny ray of light streamed out. The Sergeant stepped to the key-hole, but as he did so an eye was applied to the other side, so that what he saw was the angry gleam of an eye-ball and a bit of hairy brow. At the same moment he heard a sound like the click of a revolver.

Quicker than a flash the Sergeant was up and had driven his heavy-soled boot against the door with a kick that would have knocked holes in a brick wall. The result was startling in the extreme to the people on the inside. Sergeant McCarty had never heard of David Harum's Golden Rule, but he had a rule of his own for use in close quarters, and it ran about like this: "Keep 'em guessin', and soak 'em hard when you can."

In accordance with this principle, he kicked in the door, and the door-knob knocked into temporary unconsciousness the man who was peering out through the key-hole and preparing to shoot the unwelcome visitor. As the kneeling man collapsed upon the floor, his revolver discharging into space, Sergeant McCarty, his own gun poised, leaped into the room. Two men, working over a packing-case and a trunk by the window, started up as he entered, one firing a hasty shot from his revolver and the other hurling a much more dangerous missile in the form of a pair of heavy horse-clippers. Intent upon blocking escape, and knowing that Patrolman Meyer was guarding the window outside, the Sergeant shouldered the door to with great agility, and planked himself against it, just as a bullet buried itself in the casing on the right, while the murderous horse-clippers fanned his left cheek and splintered the panel of the door. A moment later the light was extinguished, and another bullet thudded into the plaster on the left, missing the lucky Sergeant by about the same distance as the other. The Sergeant moved one pace to the right in the pitch darkness and stood stock-still.

He had not fired as yet. In the first place, like all brave men, he had an aversion to taking human life. In the second place, a certain amount of unpleasantness for the Department always arises from the killing of a man by a police officer, no matter how great the provocation — and even now Sergeant McCarty had not failed, in his mind at least, to cock his weather eye in the direction of the upper office. And anyway, if there was to be killing, in the Sergeant's judgment the time for that had not yet come. He was acting with tremendous swiftness, but it was not upon impulse. Every move was thought out.

"Keep 'em guessin'," he said to himself, as the lights went out, and he made that hasty side-step in the blackness, and stood still, not even breathing.

The small room reeked with the smell of powder smoke. It echoed and reëchoed with the report of revolvers. Four men, one prostrate on the floor, for the Sergeant had not heard him rise, and three standing about in the complete darkness with weapons drawn, scarce daring to breathe, strained their eyes and ears in the silence to catch the faintest sound or movement that should tell for life or death or liberty.

The tense moments passed slowly.

The thieves were startled, confused, desperate. The silence frightened them. The Sergeant, that very devil of a man when roused, was in the room, uninjured, or they would have

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heard him groan or cry out, or fall, or stagger. He had not fired a shot; he had not made a sound. It was uncanny. It was not according to the rules. Where was he? What was he doing? What was he going to do next? Would his hand suddenly touch one of them? Or would some one shoot and kill a pal instead?

It took possibly fifteen seconds, maybe twenty, for this nameless, superstitious fear to lock their hearts in the icy chill of cowardice.

And the Sergeant — did he know when the psychological moment had come? This untutored sergeant of police — duty conscious, with the authority of the law behind him, doing a thing that, in itself, was brave enough to make a coward courageous — did he reason that this made him strong, while the lack of the same things, plus guilt, fear, surprise, uncertainty, and anxiety, made these other men weak, so that his personality was more than three times as strong as either one of theirs or as all combined?

Not at all.

He merely thought: "Let 'em unload their guns where I ain't as long as they will."

Then came those moments of tense and awful waiting, and through the silence a message ticked from one part of McCarty's brain to another, that said:

"They're queered! They're buffaloed! You've got 'em, McCarty, you've got 'em!"

Then, in the fearsome stillness, in low, matter-of-fact tones, the Sergeant spoke:

"Not a man of you make a sound. At the first breath I'll make a hole in you."

Thereupon, swiftly, noiselessly, the Sergeant stepped over to the door. "So if they do shoot, I'll be where I ain't again," he explained to himself.

The Sergeant was no ventriloquist, and he knew it. But he did not know that, in the cramped silence of that small room where four excited men were struggling to breathe without making a sound, it was impossible for any of the three to tell just where the low voice came from. It sounded from above, from below, by the window, by the door, near the trunk, anywhere their frightened imaginations pictured it; but most of all it sounded in the inmost souls of the criminals. They might try a call to locate their comrades, but the first man that called would get a shot from the Sergeant's revolver, or feel his terrible hand upon the throat — and McCarty had a hand like an automatic car-coupler, everybody knew that; and after all, what was the use? For here were three desperate men, cowed by the invincible courage of one fearless man — cowed by sheer soul mastery. McCarty was clear master of himself, and therefore of each of them. Had he made a single misstep or misplay, had he indulged himself in one thought that was not of mastery, there in the darkness they would have leaped upon him and torn him limb from limb, and beaten his body into the pattern of the carpet.

But he did not, and they did not.

In his mind Sergeant McCarty said contemptuously: "I've got 'em buffaloed."

Outwardly he said: "Not a man of you make a sound."

And the three, crouching there in the dark, felt in their living flesh the white-hot streak a bullet makes, and each became a craven, sullen coward, wishing to spring, but unable to reach the point of initiative, even when the heavy tread of hurrying feet was heard outside.

"Come in!" roared McCarty. "Meyer is guarding the window outside."

The door swung open, and half a dozen blue-coats crowded into the room, flashing their lanterns into the darkness.

McCarty stood against the wall, his eyes gleaming. A man lay on the floor, his arm pulled over a swelling bump on his forehead. This was Mike the Mucker, who would never be taken alive. One man stood half crouched against the trunk, which was on end, his smoking revolver still hanging useless in his nerve-robbed hands, and his sullen eyes looking angrily at the men who approached with handcuffs in their hands. Over by the window a third stood, indecisively fingering a huge knife that would have reached through the Sergeant's body from front to back.

"Get up!" said the Sergeant gruffly to the man on the floor. "Put the irons on and take 'em to the wagon," he said to the squad. "Watch 'em close, man for man. Foley, step to the window and tell Meyer to come up! You and him bring down the stuff."

As they marched down the hall, Sergeant McCarty swaggered behind, the Hibernian blood in his veins still feeling a bit cocky. His cunning blue eyes blazed proudly, and his big round head was tipped back a trifle, giving his broom-colored mustache an upward pitch that was very cavalier-like.

The three prisoners muttered to one another.

"You hurt, Bill?"

"No. You?"

"No. How about you, Mike?"

"No — only my head's bumped," he murmured gloomily.

Then they exchanged looks of mutual disgust.

"Three ag'in' one," said Mike. "Why didn't we sting him?"

True enough, why?

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JUDICIAL DECISIONS AS AN ISSUE IN POLITICS

BY

WILLIAM HOWARD TAFT

LAST summer at Hot Springs, after the Convention and before the electoral campaign had been actively begun, Mr. McClure asked me to furnish him two articles for his magazine, to be printed after the election. I suggested to him that if I were defeated he might not desire the articles, but he said he would run the risk. One subject which he proposed was my labor decisions, and the article that follows is a compliance with the promise I then made.

I believe it is true that I am the only successful candidate for the Presidency who ever had extended judicial experience. Mr. Van Buren had been a surrogate or probate judge early in his career, and Andrew Jackson, I believe, did serve as a judge of the Supreme Court of North Carolina, but it was a very unimportant part of his life, and his service did not bring into the issues of his campaigns any discussion of his work as a judge.

Judge Parker, so far as I know, is the only other candidate who had been for any number of years on the Bench; and while there was some reference in the campaign to his judicial opinions, they did not involve any issues made in the platform, and were not given special prominence on the stump or in political editorials.

In 1896 the judgment of the Supreme Court in the income tax case was made a subject of heated discussion, and suggestions that the court might be increased if one party was successful, so as to bring about a reversal of the decision, were not wanting. Still, I think it may be truly said that in no campaign since the beginning of the government has there been directly involved as an issue a question considered and decided by one of the Presidential candidates as a judge.

The Decision of Taft's Father on the Reading of the Bible in the Public Schools

It is not the first time in my family that a judicial decision has played an important part in the political fortunes of the judge deciding it. While my father was a judge of the Superior Court of Cincinnati, the question arose whether the school board of the city had the power by resolution to change the rule under which schools were opened in the morning by the reading of the King James version of the Bible. Two of the judges of the Superior Court held that this was beyond the power of the school board, while my father, the third judge, dissented. The case proceeded to the Supreme Court, and that court, in a unanimous judgment, approved the views of my father as a dissenting judge in the court below. Notwithstanding this result, in three gubernatorial campaigns my father was defeated in Republican conventions on the ground of his decision in the Bible case; but it never fell to his lot to be nominated as a party candidate and to find it necessary to go upon the stump to explain or defend his decisions. I think I may say that my experience in this respect has been truly exceptional.

To make the controversy clear, it is necessary to refer to the efforts made by the American Federation of Labor and the railroad labor organizations to secure legislation against what they claimed to be the abuses of the power of injunction by courts of equity in labor disputes. Mr. Gompers and the American Federation of Labor were much more radical and drastic in their demands than were the railroad organizations. Mr. Gompers demanded the passage of a bill containing two sections: The first section provided that no injunction should issue from a court of equity except to protect property rights from irreparable injury where there was not adequate remedy at law, and contained the proviso, which embodied the whole intent of the section, that injury to business of a complainant in such labor disputes should not be considered an injury to property rights; and the second section contained a provision which in effect legalized the secondary boycott and rendered immune from criminal or civil prosecution or injunctive process those taking part in such a boycott. This was known as the "Pearce Bill." President Roosevelt and the members

NOTE:—This article was prepared by Mr. Taft prior to his inauguration as President of the United States.—EDITOR.

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of his Cabinet whom he called into consultation, of whom I was one, were quite willing to concede that the power of the issuing of injunctions in the form of temporary restraining orders, without notice to the party affected, had been abused in some cases by Federal judges, and that it might be wise to take away the power of issuing such orders without notice and restore the law to the condition in which it had been when the Federal Judiciary Act of 1789 was put in force. At that time no temporary injunction could issue without a notice to the party affected and an opportunity to be heard. A bill to effect such a change was introduced and probably would have passed if Mr. Gompers and the American Federation of Labor had been willing to accept it as a compromise.

The Boycott and the Injunction Made a Political Issue

At the head of a delegation of labor-union men, Mr. Gompers visited the President. The President told him very plainly that he would not and did not favor the bill known as the "Pearce Bill," for he thought that the power of injunction ought to be exercised quite as much against lawless workingmen as against lawless capitalists.

Thus the issue was made in the Congressional campaign of 1906, and Mr. Gompers summoned assistance from his fellows of the American Federation of Labor to defeat Mr. Littlefield in Maine, Mr. Cannon in Illinois, and a great many other Congressmen who were put upon the so-called "black list" because they declined to consent to the passage of the Pearce Bill, and refused to withdraw the protecting influence of injunctive process from a man's business rights and to legalize boycotts. The electoral campaign carried on by Mr. Gompers was not successful in defeating any Congressman whom he had blacklisted, and into whose district he went for the purpose of defeating him. Of course in each district many other issues played a part, and it is difficult to tell how much influence Mr. Gompers exerted in taking away votes from the successful candidate. He renewed his efforts in the next Congress, but without avail.

Then came the presidential conventions of the two parties. Mr. Gompers appeared before the Committee on Resolutions of the Republican Convention, and demanded the approval of the Pearce Bill or its equivalent. The President and I favored the following resolution:

INJUNCTIONS

We declare for such an amendment of the statutes of procedure in the Federal courts with respect to the use of the writ of injunction as will, on the one hand, prevent the summary issue of such orders without proper consideration, and, on the other, will preserve undiminished the power of the courts to enforce their process, to the end that justice may be done at all times and to all parties.

A great many of the delegates were opposed to any resolution on the subject, regarding it as an attack upon the courts; but finally, as a compromise, the following resolution was adopted in the platform:

COURT PROCEDURE

The Republican party will uphold at all times the authority and integrity of the courts, State and Federal, and will ever insist that their powers to enforce their process and to protect life, liberty, and property shall be preserved inviolate. We believe, however, that the rules of procedure in the Federal courts with respect to the issuance of the writ of injunction should be more accurately defined by statute, and that no injunction or temporary restraining order should be issued without notice, except where irreparable injury would result from delay, in which case a speedy hearing thereafter should be granted.

It will be observed that the Republican Convention declined to take away the power to issue temporary restraining orders without notice, but preferred to hedge the power about with a statutory declaration of the instances in which they might issue, and offered an opportunity for limiting their life or duration by statute to such a short time as would necessitate a hearing within a few days. In this respect the convention did not go as far as Mr. Roosevelt and I were willing to go. Mr. Gompers and his associates expressed dissatisfaction with the action of the Republican Convention, and then went to Denver, where, after the fullest discussion, the resolution which was adopted read as follows:

LABOR AND INJUNCTIONS

The courts of justice are the bulwark of our liberties, and we yield to none in our purpose to maintain their dignity. Our party has given to the bench a long line of distinguished judges, who have added to the respect and confidence in which this department must be jealously maintained. We resent the attempt of the Republican party to raise a false issue respecting the judiciary. It is an unjust reflection upon a great body of our citizens to assume that they lack respect for the courts.

It is the function of the courts to interpret the laws which the people create, and if the laws appear to work economic, social, or political injustice, it is our duty to change them. The only basis upon which the integrity of our courts can stand is that of unswerving justice and protection of life, personal liberty, and property. If judicial processes may be abused, we should guard them against abuse.

Experience has proved the necessity of a modification of the present law relating to injunctions, and we reiterate the pledge of our national platforms of 1896 and 1904 in favor of the measure which passed the

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United States Senate in 1896, but which a Republican Congress has ever since refused to enact, relating to contempts in Federal courts and providing for trial by jury in cases of indirect contempt.

Questions of judicial practice have arisen especially in connection with industrial disputes. We deem that the parties to all judicial proceedings should be treated with rigid impartiality, and that injunctions should not be issued in any cases in which injunctions would not issue if no industrial dispute were involved.

I have been informed that the resolution was drafted by Mr. Gompers and was passed exactly as drafted.

Is a Man's Business his Property?

In one of Mr. Roosevelt's letters written during the campaign, he invited attention to an article published by Mr. Gompers in the *American Federationist* in defense of what he had done in supporting the Democratic candidate, and pointed out that in that article Mr. Gompers said, or plainly intimated, that Mr. Bryan was in complete accord with the attitude taken by the American Federation of Labor before the last two Congresses, and that this necessarily involved not only the abolition of the use of the injunction in labor disputes where only the business of the plaintiff was to be injured, but also the legalizing of the secondary boycott.

Neither Mr. Gompers nor Mr. Bryan ever attempted to answer the query put by Mr. Roosevelt as to whether this statement was true. Read in the light of this explanation, we can see what the resolution of the Denver Convention was intended to mean. The key necessary to understand the resolution was the principle of equity procedure advanced by Mr. Gompers and his legal counsel, that the right of a man to pursue a lawful business is not a property or pecuniary right which a court of equity would ever, according to proper rules of its procedure, issue an injunction to protect. The question has been distinctly passed upon by dozens of courts, and Mr. Gompers' proposition has not received the slightest support except in one dissenting opinion.

The instances in which courts of equity, both in England and in this country, have issued injunctions to protect business rights are so many as to be overwhelming. But assuming Mr. Gompers' proposition of law to be correct, namely, that no injunction could ever issue merely to protect the rights of business, as distinguished from property rights, then the meaning of the resolution of the Democratic platform becomes clear. It resolves that injunctions ought not to issue in labor disputes under any circumstances except those in which they would issue in other disputes, and as, according to Mr. Gompers, they would never issue in other disputes to protect business rights, they ought to be prohibited from being issued to protect a man's business in labor disputes.

A boycott is ordinarily not directed toward anything but a man's business. It is intended to injure his business and is well adapted to do so. If, therefore, by the resolution as interpreted above, all injuries to business and confined to business alone, and not reaching to rights in material property, were excluded, it would have the effect of limiting the recourse of one injured by a boycott to the inadequate remedy of a suit for damages, and thus in an indirect way the object of the American Federation of Labor in the Pearce Bill would be accomplished.

There was another and a very important issue in respect to which the Democratic platform by its expressed declaration and the Republican platform by its silence left no doubt, and that was the question whether in punishments for contempt in all classes of cases, except those committed in the presence of the court, punishment should not be inflicted by the court until after a conviction in a trial by jury.

I have thus defined certain so-called labor issues of the campaign, in order that the relevancy of my decisions may become apparent. At the risk of being tedious, I shall attempt to state shortly what those decisions were.

Judge Taft's First Labor Decision

The first one was rendered by me when I was a judge of the Superior Court of Cincinnati, a State court of general jurisdiction, where I sat under appointment and subsequent election for three years. The case was a suit for damages by Moores & Company, lime-dealers, against the Bricklayers' Union of Cincinnati.

The undisputed facts shown were these: Parker Brothers were a firm of boss bricklayers. They had quarreled with a Bricklayers' Union. The Bricklayers' Union had withdrawn its members from the employ of Parker Brothers and had declared a strike against the firm, and had threatened all material-men that it would boycott any one of them who furnished material to Parker Brothers. Moores & Company were lime-dealers and sold Parker Brothers lime for cash. This was discovered by a walking delegate of the Union, and a boycott was declared against Moores & Company, who were thereby prevented from enjoying the profit of a number of valuable contracts, and whose business suffered severely in other ways.

I sat as the trial judge, and charged the jury that upon this state of fact Moores & Company were entitled to recover as damages the loss that had been inflicted by the boycott of the Bricklayers' Union. The jury immediately returned a verdict for $2500. A motion for a new trial was

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made, and I reserved the motion, as I had the power to do, to the general term of the Superior Court for the consideration of three judges, including myself, and there I delivered the opinion of the court, and in this opinion, which was an elaborate one, I attempted to explain what was the illegality of a boycott. If I were writing the opinion again, I should hope to make it shorter. As between two persons, when one refuses to deal with the other and thus injures the other, no unlawful injury is committed if he is not under special contract to do the thing that he refuses to do. It is what in law is called *damnum absque injuria*.

A body of workmen are dissatisfied with the terms of their employment. They seek to compel their employer to come to their terms by striking. They may legally do so. The loss and inconvenience he suffers he cannot complain of. But when they seek to compel third persons, who have no quarrel with their employer, to withdraw from all association with him by threats that unless such third persons do so the workmen will inflict similar injury on such third persons, the combination is oppressive, involves duress, and if injury results, it is actionable. It is true that the result of the rule is that an act is actionable or not as the intent with which it is done varies. This is not frequent in civil injuries, but it is not unknown.

This I understand to be the view of the Anthracite Coal Commission, of which Judge Gray of the Third Circuit was certainly the most conspicuous lawyer member, and I think that it is a safe rule of distinction in all labor controversies. Such a view does not render illegal the union of all members of a trades-union, whether employees of the particular employer or not, to withdraw from association with him. It permits them thus to express their sympathy with their fellows. But it does forbid them, by threatening men who otherwise would be entirely willing to associate with their former employer, to compel that third person to join them in the fight.

The decision in Moores & Company against the Bricklayers' Union sustained the verdict and gave judgment against the union. The Union took the case to the Supreme Court of Ohio, where it was affirmed without opinion. The decision was won in a local court and did not attract any immediate attention. Subsequently the fact that the reasoning was quite elaborate and the citation and consideration of authorities extended, elicited considerable reference to it in other decisions, and in the discussions of a naturally interesting subject in legal periodicals, and at bar association meetings; but it did not arouse labor-unions to resolutions of protest, so far as I can recollect.

Taft Denounced by the Unions for his Judgment in the Arthur Case

The next case was one that attracted far greater attention because of the prominence of one of the parties, and the very large body of men more or less indirectly interested in the issues. I had then become United States Circuit Judge for the Sixth Judicial Circuit. The Toledo & Ann Arbor Railroad was a railroad running from Michigan to Toledo, Ohio, where it made connections with six different railroads. It had had a controversy with its locomotive engineers as to their wages, and through Mr. Arthur, who was the Grand Chief of the Brotherhood of Locomotive Engineers, a strike had been declared against that railroad.

The Brotherhood had a secret rule (No. 12) which provided that it was a violation of obligation for any member of the Brotherhood engaged with a connecting line to haul the cars of a railroad company against which a strike had been approved by the Grand Chief. The six railroads who were made parties defendant to this action had been notified by their engineers that they probably must refuse to haul the cars of the Toledo & Ann Arbor road. This had come to the knowledge of the Toledo & Ann Arbor Railroad Company, and it accordingly filed a bill in equity in the United States Court at Toledo, asking that the six railroads be compelled to haul the cars of the Toledo & Ann Arbor Railroad, on the ground that this was their specific duty under the Interstate Commerce Law, which imposed a fine and penalty upon all officers, employees, and servants of any road engaged in interstate commerce who should refuse to perform it.

Judge Ricks accordingly issued a temporary restraining order against all the defendant railroad companies, their officers and employees, and had the injunctive process served on all the locomotive engineers. After this injunction was issued, Mr. Arthur, the Grand Chief, sent a telegram to the engineers of the Lake Shore, advising them that he had approved the strike against the Toledo & Ann Arbor Railroad, and inviting their attention to the laws of the order, including secret Rule No. 12, and directing them to act accordingly. A supplemental petition was then filed in the same cause, and I was applied to, as circuit judge, to enjoin Mr. Arthur by mandatory injunction to withdraw his order to the engineers of the Lake Shore road. I issued without notice a temporary mandatory restraining order, requiring Mr. Arthur to withdraw his telegram until the case could be heard. Mr. Arthur obeyed the order.

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The case was promptly heard in the course of a day or two at Toledo.

Meantime one of the engineers who had received notice of the injunction on the Lake Shore road, an engineer named Lennon, had refused to haul the cars of the Toledo & Ann Arbor road. He was brought before Judge Ricks on an attachment for contempt of the order. The two causes were heard the same day in Toledo. My recollection is that I did not sit in the Lennon case, and that Judge Ricks did not sit in the Arthur case.

The result of the Lennon case was that Judge Ricks sentenced Lennon to confinement for thirty days for contempt. After a release by writ of habeas corpus to test the legality of Lennon's confinement was denied by Judge Ricks, an appeal was taken to the Court of Appeals at Cincinnati, and thence to the Supreme Court of the United States, and the confinement of Lennon was held to be legal.

In the Arthur case I made the temporary order of injunction permanent and wrote an opinion giving my reasons. No appeal was taken from this ruling in the Arthur case, although a direct appeal on the merits lay to the Court of Appeals and thence by certiorari to the Supreme Court of the United States. What I decided in the Arthur case was this: That the Toledo & Ann Arbor road had a right under the Interstate Commerce Law to have its cars hauled by the Lake Shore road, and that a conspiracy by the servants of the Lake Shore Company to compel it to decline to perform that duty in order that they might injure the Toledo & Ann Arbor road, thus involving the Lake Shore Company in a controversy in which it had no interest and in which it was an unwilling participant, was a secondary boycott at common law. I also held that this was unlawful under the statutes of the United States, and injuries arising therefrom were of such a recurrent character and the loss was so difficult to estimate, that a suit at law offered no adequate remedy, and therefore a court of equity would prevent the injury by injunction.

It will be observed that Judge Ricks in his decision had held that Lennon as an engineer of the Lake Shore road had violated the injunction requiring him to haul the cars of the Toledo & Ann Arbor road, and that I had by mandatory injunction directed Arthur to withdraw his telegram directing all engineers of the Lake Shore road to do that which Lennon had done; the point being, not that Lennon and the engineers of the Lake Shore road could not leave the employ of the Lake Shore road freely and without restraint by injunction, but only that as long as they remained in the employ of the Lake Shore Company they were *pro tanto* the company itself and burdened with the duties of the company and must obey the injunctions that would lie against the company itself. In no decision was it affirmed that an injunction could compel a man to remain in the service against his will, or that in any labor dispute could a man in the employ of another be enjoined from striking.

Though this distinction was made clear in both decisions, it was generally reported, and believed by many who did not look into it, that we had enjoined men from striking and had punished them in contempt proceedings for exercising the right to strike. It is easy to see, therefore, how it was possible for members of the Brotherhood of Engineers and of labor organizations generally to believe that a blow had been struck at organized labor from which it could never recover, and that the instrumentality of the strike, which in the last resort is the chief weapon that the laboring man has to secure better wages and better terms of employment, had been taken away. Judge Ricks and I were denounced from one end of this country to the other, in resolutions of labor organizations and kindred associations, as enemies of labor who had sought by judicial process to subject the workingman as a slave to the complete control of his employer. As a matter of fact, I had laid down, not only in the Moores case but in the Arthur case, the principles upon which the success of labor organizations must always depend, and upon which in the last ten years they have grown to their very great proportions and increased in their very great usefulness.

These principles were stated in a somewhat more specific way in the Phelan case, to which I shall presently refer, and from which I shall quote.

I was attacked further, and this attack was heard in the late campaign, on the ground that I had denounced the Brotherhood of Locomotive Engineers as a criminal conspiracy against the laws of the United States. What I did in the opinion was to point out the fact that secret Rule No. 12, if enforced, would involve all those engaged in its enforcement, both those who actually took part in it and those who ordered it, in a criminal conspiracy against the laws of the United States. I did so in these words:

"We have thus considered with some care the criminal character of Rule 12 and its enforcement, not only because, as will presently be seen, it assists in determining the civil liabilities that grow out of them, but also because we wish to make plain, if we can, to the intelligent and generally law-abiding men who

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compose the Brotherhood of Locomotive Engineers, as well as to their usually conservative chief officer, what we cannot believe they appreciate, that, notwithstanding their perfect organization, and their charitable, temperance, and other elevating and most useful purposes, the existence and enforcement of Rule 12, under their organic law, make the whole Brotherhood a criminal conspiracy against the laws of their country."

The effect of that admonition, which was intended to be kindly, and it seems to me was couched in a perfectly friendly tone, was to lead the Brotherhood to repeal Rule No. 12; and I understand now that all the railroad labor organizations, which are among the best conducted of trades-unions in the country, deprecate the use of the boycott as a weapon in labor controversies.

The Famous "Phelan Case"

The third reported decision for which I was attacked in the late campaign was what was known as the Phelan case. It was presented as a phase of the Debs insurrection.

Debs was the president of the American Railway Union, a labor association organized as a rival of the older railway brotherhoods. Soon after the organization was complete, Debs, as president of the directors of the association, became interested in the question whether the Pullman Company, manufacturing Pullman cars near Chicago, paid their employees sufficient wages. It was decided that the wages were not sufficient. The employees were induced to strike, and then it was sought by the American Railway Union to compel the Pullman Company to pay higher wages by threatening a universal boycott against all the railroads of the country that had contracts with the Pullman Company for the use of the Pullman cars, and to compel them to withdraw from or break these contracts and to discontinue the use of the Pullman cars.

Although this was the original purpose, it degenerated into an attempt to tie up every railroad in the country by withdrawing all the railway employees from railroad work without regard to whether the railroads had business for the Pullman Company or not. In other words, it became a boycott against the public in an attempt to make the public compel the Pullman Company to raise the wages it paid its employees, although the public had no relation to the Pullman Company, which was a private corporation doing a private business, so far as its manufacturing of cars was concerned, and had no power over the question of the amount of wages to be paid by it to those whom it employed.

In pursuance of this plan, Debs sent Phelan to Cincinnati to tie up all the railroads in that city, and among others was the Cincinnati, New Orleans & Texas Pacific Railway Company, which operated as a lessee the Cincinnati Southern Railroad, and which for the time being was in the hands of the court in charge of Mr. Felton, receiver. I was the circuit judge, resident in Cincinnati, who had appointed the receiver, and was conducting the affairs so far as the court had to interfere in that receivership.

The receiver filed a petition in the proceeding, asking an attachment of Phelan for contempt of court. The petition charged that Phelan was attempting to prevent the receiver from carrying out the order of the court directing him to run the road, and was advising all those who had left the employ of the receiver, and others, to use violence in compelling the receiver's employees to leave his employment; that in consequence the receiver was obliged to hire constables to protect his men.

Phelan was brought in on a warrant, and was served with an injunction to prevent his continuing in that which he was already charged to have done, and the cause was set for a trial at his convenience. It was promptly heard, and a week was consumed in the trial. At the end of that time I found Phelan guilty of contempt of court, and sentenced him to six months in the Lebanon Jail. His actions after the injunction was served on him were exactly what they had been before, and he conducted himself avowedly and flagrantly in violation of the court's orders. In this case, as in the others, I pointed out, with all the clearness of which I was capable, the distinction between the strike and the boycott, and perhaps more fully than in previous cases explained what were the rights and responsibilities of the trades-unions engaged in a controversy with an employer. In this case I said:

"Now, it may be conceded in the outset that the employees of the receiver had the right to organize into or join a labor-union which should take joint action as to their terms of employment. It is of benefit to them and to the public that laborers should unite in their common interest and for lawful purposes. They have labor to sell. If they stand together, they are often able, all of them, to command better prices for their labor than when dealing singly with rich employers, because the necessities of the single employee may compel him to accept any terms offered him. The accumulation of a fund for the support of those who feel that the wages offered are below market prices is one of the legitimate objects of

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such an organization. They have the right to appoint officers who shall advise them as to the course to be taken by them in their relations with their employer. They may unite with other unions. The officers they appoint, or any other person to whom they choose to listen, may advise them as to the proper course to be taken by them in regard to their employment, or, if they choose to repose such authority in any one, may order them, on pain of expulsion from their union, peaceably to leave the employ of their employer because any of the terms of their employment are unsatisfactory."

In the Arthur case it was brought out quite distinctly that while employees who struck for an unlawful purpose could not be enjoined from doing so, because to enjoin them would be to compel the specific performance of a contract of service, in violation of the Thirteenth Amendment against involuntary servitude, it was left open as an undecided question whether men who were inciting employees to quit their employer in violation of some legal duty might not be restrained from doing so; and in the Phelan case, the effect of the decision was to hold that where one was inciting employees to quit in pursuance of an unlawful boycott, he could be enjoined, although the employees could not be.

There was one other case — indeed, there may have been more, though I do not recollect them — in which I issued an injunction growing out of a labor dispute and in which I punished men for a violation of the order of the injunction. A number of miners on the Ohio side of the Ohio River combined together in a conspiracy to prevent the importation into Ohio of West Virginia coal, and every time that a train of one of the West Virginia railroads was delivered to the Ohio railroad, the miners jumped upon the train and by physical force prevented the further transportation of the coal.

The Baltimore & Ohio road, which was the West Virginia road, brought suit against the Cleveland, Lorain & Wheeling to compel the Cleveland, Lorain & Wheeling to take its cars and transport them, and then it was made to appear by the Baltimore & Ohio that certain defendants, who were named, had conspired to prevent the Baltimore & Ohio from securing transportation over the Cleveland, Lorain & Wheeling.

I issued a mandatory injunction against the Cleveland, Lorain & Wheeling compelling it to receive and transport the cars, and named as defendants to the action a number of the Ohio miners engaged in the conspiracy. They were duly served, and, after a full notice, were brought into court. They did not deny their guilt, and I sentenced them to six months in jail. It was a case of blockade of interstate commerce by force, and it was only by the decree of an equity court that the passage of coal from one State to another was made free and uninterrupted. There was no report of the opinion in this case, which presented questions similar to those in the Arthur case. When I reached Wheeling in the campaign, I was confronted by the exploitation of this case in the local paper, and explained it as I have explained it here.

An Appeal from the Decision of the Court to the Decision of the Electorate

With this record of decisions in labor cases, in which I have had each time to decide against the labor organizations, or the cause with which they sympathized, I had always been of opinion that it would be utterly impossible for me to run for office before the people even if I desired to do so. My ambition was not political. I desired if possible to resume my work on the Bench, and the disqualification which these decisions seemed to me to make clear and certain did not really involve in my judgment any sacrifice on my part. I think it fell to my lot to take part in more cases of this kind than most judges, and had I had political ambition, it might have been regarded as a misfortune.

The attacks made upon me in labor circles and by labor journals did not particularly trouble me, because I thought that in the course of time it would appear that what I had decided was clearly the law, and that the principles that I had laid down were those upon which trades-unions properly conducted would thrive and attain their greatest usefulness.

The decision of the Supreme Court in the Debs case, in an opinion by Mr. Justice Brewer, removed all doubt, if any had before existed, as to the right of a court of equity to issue an injunction in such cases, and I don't think that in any respectable court it is now disputed. But the effect of Mr. Gompers' action and that of the Democratic party in its platform was to appeal, so to speak, from the decision of the court to the decision of the electorate. They had done this once before in appealing against the decision of the Supreme Court in the Debs case, which was characterized in the platform of 1896 and of 1900 as government by injunction, but the appeals apparently had not met with great success.

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They were now able, however, to appeal in a more concrete way to the people, by asking them to vote against the candidate who was as much responsible for the enunciation of the principles that they contended against as any judge on the Bench. I was characterized as the "father of injunctions." This attributed to me something that I did not deserve, for injunctions had already been issued in labor disputes by Vice-Chancellor Malins in England; by the Supreme Judicial Court of Massachusetts in the case of Sherry vs. Perkins; by Judge Sage in the case of Casey vs. Typographical Union; by Judge Beatty in the Coeur d'Alene strike troubles, and by other judges.

It had fallen to my lot, because of the number of cases that I had subsequently to consider, to write rather more elaborate opinions on the subject and perhaps state the principles more at length than other judges, but I was not entitled to either the credit or discredit of having introduced a new equity jurisdiction in labor troubles. There was no new jurisdiction. It was merely an application of plain equity principles to novel situations. The character of the injury in cases of boycott when business is injured is such that it is impossible to estimate what the injury is. This is palpable. Moreover, the injury is a result of a series of acts combined together, each one of which would not justify a suit for damages, but all of which taken together with their recurrent effect bring about the injury which can only be remedied adequately by an injunction to prevent the carrying out of the combination. This has always justified the issuing of an injunction in equity, and its use is not an enlargement of equity jurisdiction but a mere application of the oldest and most well-known principles.

The Effect of Taft's Labor Decisions upon his Candidacy

Viewing as I did the effect on my political attitude of these decisions, it may well be supposed that I was surprised when I discovered the strength that I had developed in the Republican Convention, and found that the opposition to me on the ground of my labor decisions, although sufficiently elaborated, did not lose for me a great many votes among the delegates; but while this was the result in the convention, there was very great reason to believe that the objection to me as a candidate was much more formidable. Mr. Gompers, through the American Federation of Labor, used all the machinery that that association afforded to secure votes for Mr. Bryan against me, and I constantly received most discouraging reports of the defection in the ranks of labor because of my injunction decisions. This was particularly noticeable among the railway employees who remembered the fact that I had enjoined Arthur, and carried in their memories, though indistinctly, the attacks that had been made upon me at the time of that decision as a judge determined to strike down labor organizations. As the injunction had been directed toward the chief of the most conservative, useful, and powerful brotherhood, that of the locomotive engineers, it was not unnatural that it should have been remembered and cherished.

I was very reluctant to go on the stump and discuss my own decisions. I knew no precedent for it, and I felt that if the decisions themselves did not support the conclusions reached, there was little use in my attempting to supply additional explanation or defense. I found, however, that Mr. Bryan was constantly referring to me as the father of injunctions, and that the Democratic managers were making as much of this part of the issues of the campaign as possible, and I concluded, therefore, that the only thing for me to do was to seek an opportunity to tell what I had decided to audiences composed as largely of labor men as possible, and then leave it to their sense of justice whether the attacks upon me as an enemy of labor were justified.

Speaking Before Trades-Unionists

The first speech I made upon it was rather unpremeditated; it was given at Athens, Ohio, before a lot of miners who were trades-unionists. I don't know how the speech impressed the audience other than by the way in which it was received. My friends who heard it commended its presentation and urged that I seek other opportunities to deal with the same subject. A large meeting of railway employees was organized in Chicago by a friendly club, at Orchestra Hall. There for the first time I went over in full my labor decisions. I shook hands afterward with every one of the audience, and I am quite certain that my treatment of the subject met with the approval of those who were present and induced them to believe what I contended was the fact, and believe now to be the fact, that of all judges who had had occasion to consider the question, I had laid down the law as favorably as possible for the lawful and useful organization of trades-unions. I was careful to state that I did not apologize in any way for the decisions that I had rendered, and I only sought the opportunity to state what the decisions were and their effect, in order to enable my hearers to

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judge whether I was the man against whom they should cast their ballots.

I had similar meetings in Minneapolis, South Omaha, Lorain, Ohio, East St. Louis, Kansas City, Kansas, East Cleveland, and at Cooper Union in New York. I was able to point out that although the brotherhoods had attacked my decision against Arthur, later on, in a labor controversy which got into court in St. Louis between the brotherhoods and the Missouri Pacific road, my decision in the Arthur case and in the Phelan case had been successfully cited as an authority upon which Judge Adams modified the injunction already issued in such a way as to enable the brotherhoods to win the strike and secure a betterment of the conditions of employment with that company. I was also able to point out to the brotherhoods that in the Phelan case, in sentencing Phelan, I was merely sentencing a man who had done everything that he possibly could to incite his followers to violence against the members of the old brotherhoods who had declined to follow Debs and who stuck to the cabs of their engines in faithful service of the receiver.

Why the Labor Vote Did Not Go to Bryan

It is impossible, of course, to tell which of the many reasons that enter into the decision of an electorate is most influential. It is very certain that Mr. Gompers was not able to carry with him his followers in the American Federation of Labor, the two million votes that he claimed were controlled by that organization. It is very clear that in the large cities the labor vote did not go in unusual numbers to Mr. Bryan as against me. In Greater New York, in Boston, in Philadelphia, in Baltimore, in Cleveland, in Cincinnati, in Chicago, in St. Louis, and in San Francisco I received certainly a full party vote and in many of them a very much larger vote than the party vote, and in those States the Federation of Labor is stronger than in any other parts of the country.

I am, of course, not blind to the fact that one of the chief arguments in my favor with the wage-earner in this campaign was the fear that the election of Mr. Bryan would make the hard times permanent, and the hope that the continuance of the Republican party in power would insure a return of good times. This argument doubtless neutralized the one directed against me as a man unfair to labor; and there were probably a number of men who voted for me without approving me, because while they liked Mr. Bryan's attitude in the injunction matter, they preferred to give victory to that side which was likely to insure steadier work and better wages. Still, I think, in spite of all this, it must be conceded that the showing made by Mr. Gompers upon the issue against me as an enemy of labor was considerably less than he expected it to be, and that this was due in part at least to the fact that no one can control the vote of the intelligent laboring man; that he does not yield to mere sentiment or the calling of names, but that he himself investigates the reasons and makes up an independent mind.

I did not hesitate to meet the issue on the question of a trial by jury in contempt cases. I attempted to point out the dreadful weakening of the power of the court that would ensue if every order to be performed outside of the presence of the court might be violated and no punishment ensue except after a trial by jury. I think I showed that the result of such a change in the law would be to put the means of evading decrees of the court of equity into the hands of the wealthy and unscrupulous, and that it would work but little benefit to the poor and needy wage-earner. The appeal made to the farmer, merchant, business men, and the public at large, including the intelligent wage-earner, against the weakening of the power of the court, in the interest of a particular class, was, if one can judge from the attitude of the audiences addressed, as strong a vote-getting argument as the Republican party had in the late campaign. Certainly it was next in force and persuasiveness to that based on a prospective restoration of good times in a Republican victory.

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"MARRIAGE À LA MODE"

BY

MRS. HUMPHRY WARD

ILLUSTRATED WITH A DRAWING BY F. WALTER TAYLOR (SEE FRONTISPIECE)

XI

DAPHNE'S purpose in quitting the hotel had been to find her way up the river by the road which runs along the gorge on the Canadian side, from the hotel to the Canadian Fall. Thick as the fog still was in the gorge, she hoped to find some clearer air beyond it. She felt oppressed and stifled; and though she had told Madeleine that she was going out in search of effects and spectacle, it was in truth the neighbourhood of Alfred Boyson which had made her restless.

The road was lit at intervals by electric lamps, but after a time she found the passage of it not particularly easy. Some repairs to the tramway lines were going on higher up, and she narrowly escaped various pitfalls in the shape of trenches and holes in the roadway, very insufficiently marked by feeble lamps. But the stir in her blood drove her on; so did the strangeness of this white darkness, suffused with moonlight, yet, in this immediate neighbourhood of the falls, impenetrable. She was impatient to get through it, to breathe an unembarrassed air.

The roar at her left hand grew wilder. She had reached a point some distance from the hotel, close to the jutting corner, once open, now walled and protected, where the traveller approaches nearest to the edge of the Canadian Fall. She knew the spot well, and, groping for the wall, she stood, breathless and spray-beaten, beside the gulf.

Only a few yards from her, the vast sheet of water descended. She could see nothing of it; but the wind of its mighty plunge blew back her hair, and her mackintosh cloak was soon dripping with the spray. Once, far away above the falls, she seemed to perceive a few dim lights along the bend of the river; perhaps from one of the great power-houses that tame to man's service the spirits of the water. Otherwise — nothing! She was alone with the perpetual challenge and fascination of the falls.

As she stood there she was seized by a tragic recollection. It was from this spot — so she believed — that Simon Verrier had thrown himself over. The body had been carried down through the rapids, and recovered, terribly injured, in the deep, eddying pool which the river makes below them. He had left no letter or message of any sort behind him. But the reasons for his suicide were clearly understood by a large public, whose main verdict upon it was the quiet, "What else could he do?"

Here, then, on this very spot, he had stood before his leap. Daphne had heard him described by various spectators of the marriage. He had been, it seemed, a man of sensitive temperament, who should have been an artist, and was a man of business; a considerable musician, and something of a poet; proud of his race and faith, and himself irreproachable, yet perpetually wounded through his family, which bore a name of ill repute in the New York business world; passionately grateful to his wife for having married him, delighting in her beauty and charm, and foolishly, abjectly eager to heap upon her and their child everything that wealth could buy.

"It was Madeleine's mother who made it hopeless," thought Daphne. "But for Mrs. Fanshaw it might have lasted."

And memory called up Mrs. Fanshaw, the beautifully dressed woman of fifty, with her pride of wealth and family, belonging to the strictest sect of New York's social *élite*, with her hard, fastidious face, her formidable elegance and self-possession. How she had loathed the marriage! — and with what a harpy-like eagerness had she seized on the first signs of Madeleine's discontent and *ennui*,— persuaded her to come home,— prepared the divorce,— poisoned public opinion.

It was from a last interview with Mrs. Fanshaw that Simon Verrier had gone straight to

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his death. What was it that she had said to him?

Daphne lingered on the question; haunted, too, by other stray recollections of the dismal story: the doctor driving by in the early morning, who had seen the fall — the discovery of the poor broken body — Madeleine's blanched stoicism under the fierce coercion of her mother — and that strong, silent, slow-setting tide of public condemnation, which, in this instance, at least, had avenged a cruel act.

But at this point Daphne ceased to think about her friend. She found herself suddenly engaged in a heated self-defence.

What comparison could there be between her case and Madeleine's?

Fiercely, she found herself going through the list of Roger's crimes: his idleness, treachery, and deceit; his lack of any high ideals; his bad influence on the child; his luxurious, self-indulgent habits; the lies he had told; the insults he had offered her. By now the story had grown to a lurid whole in her imagination, based on a few distorted facts, yet radically and monstrously untrue. Generally, however, when she dwelt upon it, it had power to soothe any smart of conscience, to harden any yearning of the heart — supposing she felt any. And by now she had almost ceased to feel any.

But to-night she was mysteriously shaken and agitated. As she clung to the wall, which alone separated her from the echoing gulf beyond, she could not prevent herself from thinking of Roger — Roger as he was when Alfred Boyson introduced him to her, as he was when first they were married, and she had been blissfully happy; happy in the possession of such a god-like creature, in the envy of other women, in the belief that he was growing more and more truly attached to her.

Her thoughts broke abruptly. "He married me for money!" cried the inward voice. Then she felt her cheeks tingling as she remembered her conversation with Madeleine on that very subject — how she had justified what she was now judging — how plainly she had understood and condoned it.

"That was my inexperience! Besides, I knew nothing then of Chloe Fairmile. If I had, I should never have done it."

She turned, startled. Steps seemed to be approaching her, of some one as yet invisible. Her nerves were all on edge, and she felt suddenly frightened. Strangers of all kinds visit and hang about Niagara; she was quite alone, known to be the rich Mrs. Floyd; if she were attacked — set upon ——

The outline of a man's form emerged; she heard her name — or rather the name she had renounced.

"I saw you come in this direction, Mrs. Barnes. I knew the road was up in some places, and I thought you would allow me to warn you that walking in this fog was not very safe."

The voice was Captain Boyson's; and they were now plain to each other as they stood a couple of yards apart. The fog, however, was at last slightly breaking. There was a gleam over the nearer water; not merely the lights, but the span of the bridge had begun to appear.

Daphne composed herself with an effort.

"I am greatly obliged to you," she said in her most freezing manner, "but I found no difficulty at all in getting through — and the fog is lifting."

With a stiff inclination, she turned in the direction of the hotel; but Captain Boyson stood in her way. She saw a face embarrassed yet resolved.

"Mrs. Barnes,— may I speak to you a few minutes?"

Daphne gave a slight laugh.

"I don't see how I can prevent it. So you didn't follow me, Captain Boyson, out of mere regard for my personal safety?"

"If I hadn't come myself, I should have sent some one," he replied quietly. "The hotel people were anxious. But I wished to come myself. I confess I had a very strong desire to speak to you."

"There seems to be nothing and no one to interfere with it," said Daphne, in a tone of sarcasm. "I should be glad, however, with your permission, to turn homeward. I see Mrs. Boyson is here. You are, I suppose, on your wedding journey?"

He moved out of her path, said a few conventional words, and they walked on. A light wind had risen, and the fog was now breaking rapidly. As it gave way, the moonlight poured into the breaches that the wind made; the vast black-and-silver spectacle — the falls, the gorge, the town opposite, the bridge, the clouds — began to appear in fragments, grandiose and fantastical.

Daphne presently, seeing that Boyson was slow to speak, raised her eyebrows, and attempted a remark on the scene. Boyson interrupted her hurriedly.

"I imagine, Mrs. Barnes, that what I wish to say will seem to you a piece of insolence. All the same, for the sake of our former friendship, I would ask you to bear with me."

"By all means!"

"I had no idea that you were in the hotel. About half an hour ago, on the verandah, I opened an English letter which arrived this evening. The news in it gave me great concern.

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Then, to my great astonishment, I saw you appear, in the distance. I asked the hotel manager if it were really you. He was about to send some one after you. An idea occurred to me. I saw my opportunity — and I pursued you."

"And here I am, at your mercy!" said Daphne, with sudden sharpness. "You have left me no choice. However, I am quite willing!"

The voice was familiar, yet strange. There was in it the indefinable hardening and aging which seemed to Boyson to have affected the whole personality. What had happened to her? As he looked at her in the dim light, there rushed upon them both the memory of those three weeks by the seaside years before, when he had fallen in love with her, and she had first trifled with and then repulsed him.

"I wished to ask you a question, in the name of our old friendship, and because I have also become a friend — as you know — of your husband."

He felt rather than saw the start of anger in the woman beside him.

"Captain Boyson! — I cannot defend myself, but I would ask you to recognize ordinary courtesies! I have now no husband."

"Of your husband," he repeated without hesitation, but gently. "By the law of England, at least, which you accepted, and under which you became a British subject, you are still the wife of Roger Barnes, and he has done nothing whatever to forfeit his right to your wifely care. It is indeed of him and of his present state that I beg to be allowed to speak to you."

He heard a little laugh beside him — unsteady and hysterical.

"You beg for what you have already taken. I repeat, I am at your mercy. An American subject, Captain Boyson, knows nothing of the law of England. I have recovered my American citizenship, and the law of my country has freed me from a degrading and disastrous marriage!"

"While Roger remains bound? Incapable, at the age of thirty, of marrying again unless he renounces his country — permanently debarred from home and children."

His pulse ran quick. It was a strange adventure, this, to which he had committed himself!

"I have nothing to do with English law — nothing whatever! It is unjust — monstrous. But that was no reason why I, too, should suffer!"

"No reason for patience? No reason for pity?" said the man's voice, betraying emotion at last. "Mrs. Barnes, what do you know of Roger's present state?"

"I have no need to know anything."

"It matters nothing to you? Nothing to you that he has lost health, and character, and happiness, his child, his home, everything? — owing to your action."

"Captain Boyson!" she cried, her composure giving way, "this is intolerable, outrageous! It is humiliating that you should even expect me to argue with you. Yet," — she bit her lip, angry with the agitation that would assail her, — "for the sake of our friendship to which you appeal, I would rather not be angry. What you say is monstrous!" Her voice shook. "In the first place I freed myself from a man who married me for money."

"One moment! Do you forget that, from the day you left him, Roger has never touched a farthing of your money? — that he returned everything to you?"

"I had nothing to do with that; it was his own folly."

"Yes; but it throws light upon his character. Would a mere fortune-hunter have done it? No, Mrs. Barnes! — that view of Roger does not really convince you; you do not really believe it."

She smiled bitterly.

"As it happens, in his letters to me after I left him he amply confessed it."

"Because his wish was to make peace — to throw himself at your feet. He accused himself more than was just. But you do not really think him mercenary and greedy — you *know* that he was neither! Mrs. Barnes, Roger is ill and lonely."

"His mode of life accounts for it."

"You mean that he has begun to drink — has fallen into bad company? That may be true. I cannot deny it. But consider. A man from whom everything is torn at one blow — a man of not very strong character, not accustomed to endure hardness — Does it never occur to you that you took a frightful responsibility?"

"I protected myself — and my child."

He breathed deep.

"Or rather — did you murder a life — that God had given you in trust?"

He paused, and she paused also, as though held by the power of his will. They were passing along the public garden that borders the road; scents of lilac and fresh leaf floated over the damp grass; the moonlight was growing in strength, and the majesty of the gorge, the roar of the leaping water, all seemed to enter into the moral and human scene, to accent and deepen it.

Daphne suddenly clung to a seat beside the path — dropped into it.

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"Captain Boyson! I — I cannot bear this any longer."

"I will not reproach you any more," he said quickly. "I beg your pardon. The past is irrevocable, but the present is here. The man who loved you, the father of your child, is alone, ill, poor, in danger of moral ruin — because of what you have done. I ask you to go to his aid. But first let me tell you exactly what I have just heard from England." He repeated the greater part of French's letter, so far as it concerned Roger.

"He has his mother," said Daphne, when he paused, speaking with evident physical difficulty.

"Lady Barnes, I hear, had a paralytic stroke two months ago. She is incapable of giving advice or help."

"Of course I am sorry. But Herbert French ——".

"No one but a wife could save him — no one!" he repeated with emphasis.

"I am *not* his wife!" she insisted faintly. "I released myself by American law. He is nothing to me." As she spoke, she leant back against the seat and closed her eyes. Boyson saw clearly that excitement and anger had struck down her nervous power — that she might faint or go into hysterics. Yet a man of remarkable courtesy and pitifulness towards women was not thereby moved from his purpose. He had his chance; he could not relinquish it. Only there was something now in her attitude which recalled the young Daphne of years ago, which touched his heart.

He sat down beside her.

"Bear with me, Mrs. Barnes, for a few moments, while I put it as it appears to another mind. You became first jealous of Roger, for very small reason, then tired of him. Your marriage no longer satisfied you — you resolved to be quit of it. So you appealed to laws of which as a nation we are ashamed — which all that is best among us will before long rebel against and change. Our State system permits them — America suffers. In this case — forgive me if I put it once more as it appears to me — they have been used to strike at an Englishman, who had absolutely no defence, no redress. And now you are free; he remains bound — so long, at least, as you form no other tie. Again I ask you, have you ever let yourself face what it means to a man of thirty to be cut off from lawful marriage and legitimate children? Mrs. Barnes! you know what a man is — his strength and his weakness. Are you really willing that Roger should sink into degradation, in order that you may punish him for some offence to your pride or your feeling? It may be too late! He may, as French fears, have fallen into some fatal entanglement; it may not be possible to restore his health. He may not be able —" he hesitated, then brought the words out firmly, "— to forgive you. Or, again, French's anxieties about him may be unfounded. But, for God's sake, go to him! Once on English ground, you are his wife again as though nothing had happened. For God's sake put everything aside but the thought of the vow you once made to him! Go back! I implore you, go back! I promise you that no happiness you have ever felt will be equal to the happiness that step would bring you — if only you are permitted to save him!"

Daphne was by now shaking from head to foot. The force of feeling which impelled him so mastered her, that when he gravely took her hand she did not withdraw it. She had a strange sense of having at last discovered the true self of the quiet, efficient, unpretending man she had known for so long and cast so easily aside. There was shock and excitement in it, as there is in all trials of strength between a man and a woman. She tried to hate and despise him; but she could not achieve it. She longed to answer and crush him, but her mind was a blank, her tongue refused its office. Surprise, resentment, wounded feeling made a tumult and darkness through which she could not find her way.

She rose at last painfully from her seat.

"This conversation must end," she said brokenly. "Captain Boyson, I appeal to you as a gentleman, let me go on alone."

He looked at her sadly, and stood aside. But as he saw her move uncertainly towards a portion of the road where various trenches and pits made walking difficult, he darted after her.

"Please!" he said peremptorily. "This bit is unsafe."

He drew her hand within his arm, and guided her. As he did so, he saw that she was crying; no doubt, as he rightly guessed, from shaken nerves and wounded pride; for it did not seem to him that she had yielded at all. But this time he felt distress and compunction.

"Forgive me!" he said, bending over her. "But think of what I have said — I beg of you! Be kind, be merciful!"

She made various attempts to speak, and at last she said: "I bear you no malice. But you don't understand me; you never have."

He offered no reply. They had reached the courtyard of the hotel. Daphne withdrew her hand. When she reached the steps, she preceded him without looking back, and was soon lost to sight.

Boyson shook his head, lit a cigar, and spent some time longer pacing up and down the

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verandah. When he went to his wife's room he found her asleep — a vision of soft youth and charm. He stood a few moments looking down upon her, wondering in himself at what he had done. Yet he knew very well that it was the stirring and deepening of his whole being produced by love that had impelled him to do it.

Next morning he told his wife. "Do you suppose I produced *any* effect?" he asked her anxiously. "If she really thinks over what I said, she *must* be touched! unless she's made of flint. I said all the wrong things — but I *did* rub it in."

"I'm sure you did," said his wife, smiling. Then she looked at him with a critical tenderness.

"You dear optimist!" she cried, and slipped her hand into his.

"That means you think I behaved like a fool, and that my appeal won't move her in the least?"

The face beside him saddened.

"Dear, dear optimist!" she repeated, and pressed his hand. He urged an explanation of her epithet. But she only said, thoughtfully:

"You took a great responsibility!"

"Towards her?"

She shook her head.

"No — towards him!"

Meanwhile Daphne was watching beside a death-bed. On her return from her walk, she had been met by the news of fresh and grave symptoms in Mrs. Verrier's case. A Boston doctor arrived the following morning. The mortal disease which had attacked her about a year before this date had entered, so he reported, on its last phase. He talked of a few days — possibly hours.

The Boysons departed, having left cards of enquiry and sympathy, of which Mrs. Floyd took no notice. Then, for Daphne, there followed a nightmare of waiting and pain. She loved Madeleine Verrier, as far as she was capable of love, and she jealously wished to be all in all to her in these last hours. She would have liked to feel that it was she who had carried her friend through them, who had nobly sustained her in the dolorous pass. To have been able to feel this would have been as balm, moreover, to a piteously wounded self-love, to a smarting and bitter recollection, which would not let her rest.

But in these last days Madeleine escaped her altogether. A thin-faced priest arrived, the same who had been visiting the invalid at intervals for a month or two. Mrs. Verrier was received into the Roman Catholic Church; she made her first confession and communion; she saw her mother for a short final interview, and her little girl; and the physical energy required for these acts exhausted her small store. Whenever Daphne entered her room, Madeleine received her tenderly; but she could speak but little, and Daphne felt herself shut out and ignored. What she said or thought was no longer, it seemed, of any account. She resented and despised Madeleine's surrender to what she held to be a decaying superstition; and her haughty manner towards the mild oratorian whom she met occasionally on the stairs, or in the corridor, expressed her disapproval. But it was impossible to argue with a dying woman. She suffered in silence.

As she sat beside the patient in the hours of narcotic sleep, when she relieved one of the nurses, she went often through times of great bitterness. She could not forgive the attack Captain Boyson had made upon her; yet she could not forget it. It had so far roused her moral sense that it led her to a perpetual brooding over the past, a perpetual restatement of her own position. She was most troubled, often, by certain episodes in the past, of which, she supposed, Alfred Boyson knew least: the corrupt use she had made of her money; the false witnesses she had paid for; the bribes she had given. At the time it had seemed to her all part of the campaign — in the day's work. She had found herself in a milieu that demoralised her; her mind had become like "the dyer's hand — subdued to what it worked in." Now she found herself thinking in a sudden terror, "If Alfred Boyson knew so and so!" or, as she looked down on Madeleine's dying face, "Could I even tell Madeleine that?"

And then would come the dreary thought, "I shall never tell her anything any more. She is lost to me — even before death."

She tried to avoid thinking of Roger; but the memory of the scene with Alfred Boyson did in truth bring him constantly before her. An inner debate began, from which she could not escape. She grew white and ill with it. If she could have rushed away from it into the full stream of life, have thrown herself into meetings and discussions, have resumed her place as the admired and flattered head of a particular society, she could easily have crushed and silenced the thoughts which tormented her.

But she was held fast. She could not desert Madeleine Verrier in death; she could not wrench her own hand from this frail hand which clung to it; even though Madeleine had betrayed the common cause, had yielded, at last, to that moral and spiritual cowardice which — as all free-thinkers know — has spoiled and clouded so many death-beds. Daphne, the skimmer

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of many books, remembered how Renan — *sain et sauf* — had sent a challenge to his own end; and, defying the possible weakness of age and sickness, had demanded to be judged by the convictions of life, and not by the terrors of death. She tried to fortify her own mind by the recollection.

The first days of June broke radiantly over the great gorge and the woods which surround it. One morning, early, between four and five o'clock, Daphne came in, to find Madeleine awake and comparatively at ease. Yet the preceding twenty-four hours had been terrible, and her nurses knew that the end could not be far off.

The invalid had just asked that her couch might be drawn as near to the window as possible, and she lay looking towards the dawn, which rose in fresh and windless beauty over the town opposite, and the white splendour of the falls. The American Fall was still largely in shadow; but the light struck on the fresh green of Goat Island, and leapt in tongues of fire along the edge of the Horseshoe, turning the rapids above it to flame and sending shafts into the vast tower of spray that holds the centre of the curve. Nature was all youth, glitter, and delight; summer was rushing on the gorge; the mingling of wood and water was at its richest and noblest.

Madeleine turned her face towards the gorge, her wasted hands clasped on her breast. She beckoned Daphne with a smile, and Daphne knelt down beside her.

"The water!" said the whispering voice; "it was once so terrible. I am not afraid — now."

"No, darling! Why should you be?"

"I know now — I shall see him again."

Daphne was silent.

"I hoped it — but I couldn't be certain. That was so awful. Now — I am certain."

"Since you became a Catholic?"

She made a sign of assent.

"I couldn't be uncertain — I *couldn't!*" she added with fervour, looking strangely at Daphne. And Daphne understood that no voice less positive or self-confident than that of Catholicism, no religion less well provided with tangible rites and practices, could have lifted from the spirit the burden of that remorse which had yet killed the body.

A little later Madeleine drew her down again.

"I couldn't talk, Daphne,— I was afraid; but I've written to you — just bit by bit — as I had strength. Oh, Daphne——!"

Then voice and strength failed her. Her eyes piteously followed her friend for a little, and then closed.

She lingered through the day; and at night, when the June starlight was on the gorge, she passed away, with the voice of the falls in her dying ears. A tragic beauty — "beauty born of murmuring sound" — had passed into her face; and that great plunge of many waters which had been to her in life the symbol of anguish and guilt, had become in some mysterious way the comforter of her pain, the friend of her last sleep.

A letter was found for Daphne in the little box beside her bed.

It ran thus:

"DAPHNE DARLING: It was I who first taught you that we may follow our own lawless wills — and that marriage is something we may bend or break as we will. But oh! it is not so. Marriage is mysterious and wonderful; it is the supreme test of men and women. If we wrong it, and despise it, we mutilate the divine in ourselves.

"Oh, Daphne! it is a small thing to say, 'Forgive!' Yet it means the whole world.

"And you can still say it to the living. It has been my anguish that I could only say it to the dead. Daphne, good-bye! I have fought a long, long fight, but God is master. I bless — I adore——"

Daphne sat staring at the letter through a mist of unwilling tears. All its phrases, ideas, preconceptions were unwelcome, unreal to her, though she knew they had been real to Madeleine.

Yet the compulsion of the dead was upon her, and of the scene with Boyson. What they asked of her — Madeleine and Alfred Boyson — was, of course, out of the question; the mere thought of that humiliating word "forgiveness" sent a tingle of passion through her. But was there no third course? — something which might prove to all the world how full of resource and generosity a woman may be?

She pondered through some sleepless hours; and at last she saw her way plain.

Within a week she had left New York for Europe.

XII

The ship on which Daphne travelled had covered about half her course. On a certain June evening, Mrs. Floyd, walking up and down the promenade-deck, found her attention divided between two groups of her fellow travellers — one taking exercise on the same deck as herself, the other, a family party, on the steerage-deck, on which many persons in the first class paused to look down with sympathy as they reached the dividing-rail aft.

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The group on the promenade-deck consisted of a lady and gentleman, and a boy of seven. The elders walked rapidly, holding themselves stiffly erect, and showing no sign of acquaintance with any one on board. The child dragged himself wearily along behind them, looking sometimes from side to side at the various people passing by, with eyes no less furtive than his mother's. She was a tall and handsome woman, with extravagantly marine clothes and much false hair. Her companion, a bulky and ill-favoured man, glanced superciliously at the ladies in the deck-chairs, bestowing always a more attentive scrutiny than usual on a very pretty girl, who was lying reading midway down, with a white lace scarf draped round her beautiful hair and the harmonious oval of her face. Daphne, watching him, remembered that she had seen him speaking to the girl — who was travelling alone — on one or two occasions. For the rest, they were a notorious couple. The woman had been twice divorced after misdoings which had richly furnished the newspapers; the man belonged to a financial class with which reputable men of business associate no more than they are obliged. The ship left them severely alone; and they retaliated by a manner clearly meant to say that they didn't care a brass farthing for the ship.

The group on the steerage-deck was of a very different kind. It was made up of a consumptive wife, a young husband, and one or two children. The wife's malady, recently declared, had led to their being refused admission to the States. They had been turned back from the immigrant station on Ellis Island, and were now sadly returning to Liverpool. But the courage of the young and sweet-faced mother, the devotion of her Irish husband, the charm of her dark-eyed children, had roused much feeling in an idle ship ready for emotion. There had been a collection for them among the passengers; a Liverpool shipowner in the first class had promised work to the young man on landing; the mother was to be sent to a sanatorium; the children cared for during her absence. The family made a kind of nucleus round which whatever humanity — or whatever imitation of it — there was on board might gather and crystallise. There were other mournful cases, indeed, to be studied on the steerage-deck, but none in which misfortune was so attractive.

As she walked up and down, or sat in the tea-room catching fragments of the conversation round her, Daphne was often secretly angered by the public opinion she perceived, favorable in the one case, hostile in the other. How ignorant and silly it was — this public opinion! As to herself, she was soon aware that a few people on board had identified her, and communicated their knowledge to others. On the whole, she felt herself treated with deference. Her own version of her story was clearly accepted, at least by the majority; some showed her an unspoken but evident sympathy, while her wealth made her generally interesting. Yet there were two or three in whom she felt or fancied a more critical attitude; who looked at her coolly, and seemed to avoid her. Bostonian Pharisees, no doubt! — ignorant of all those great expansions of the female destiny that were going forward.

The fact was — she admitted it — that she was abnormally sensitive. These moral judgments, of different sorts, of which she was conscious, floating, as it were, in the life around her, which her mind isolated and magnified, found her smarting and sore, and would not let her be. Her irritable pride was touched at every turn; she hardly knew why. She was not to be judged by anybody; she was her own defender and her own judge. If she was no longer a symbolic and sympathetic figure,— like that young mother among her children,— she had her own claims. In the secrecy of the mind, she fiercely set them out.

The days passed, however, and as she neared the English shores her resistance to a pursuing thought or compunction became fainter. It was, of course, Boyson's astonishing appeal to her that had let loose the avenging goddesses. She repelled them with scorn; yet, all the same, they hurtled round her. After all, she was no monster. She had done a monstrous thing in a sudden brutality of egotism; and a certain crude state of law and opinion had helped her to do it, had confused the moral values and falsified her conscience. But she was not yet brutalised. Moreover, do what she would, she was still in a world governed by law; a world at the heart of which broods a power austere and immutable — a power which man did not make, which, if he strive with it, grinds him to powder. Its manifestations in Daphne's case were slight, but enough. She was not happy — that, certainly, was clear. She did not suppose she ever would be happy again. Whatever it was,— just, heroic, or the reverse, — the action by which she had violently changed her life had not been a success, estimated by results. No other man had attracted her since she had cast Roger off; her youth seemed to be deserting her; she saw herself in the glass every morning with discontent, even a kind of terror; she had lost her child. And in these suspended hours of the voyage, when life floats between sky and sea, amid the infinity of waves, all that she had been doing since the divorce, her public

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"causes" and triumphs, the adulations with which she had been surrounded, began to seem to her barren and futile. No, she was not happy; what she had done had not answered; and she knew it.

One night, a night of calm air and silvery sea, she hung over the ship's side, dreaming rather miserably. The ship, aglow with lights, alive with movement, with talk, laughter, and music, glided on between the stars and the unfathomable depths of the mid-Atlantic. Nothing, to north and south, between her and the poles; nothing but a few feet of iron and timber between her and the hungry gulfs in which the highest Alp would sink from sight. The floating palace, hung by Knowledge above Death, just out of Death's reach, suggested to her a number of melancholy thoughts and images. A touch of more than arctic cold stole upon her, even through the loveliness of a summer night. She felt desperately unhappy and alone.

From the saloon came a sound of singing:

"An die Lippen wollt' ich pressen
Deine kleine weisse Hand,
Und mit Thränen sie benetzen
Deine kleine weisse Hand."

The tears came to her eyes. She remembered that she, too, had once felt the surrender and the tenderness of love.

Then she brushed the tears away, angry with herself, and determined to brood no more. But she looked round her in vain for a companion who might distract her. She had made no friends on board, and though she had brought with her a secretary and a maid, she kept them both at arm's length, and they never offered their society without an invitation.

What was she going to do? And why was she making this journey?

Because the injustice and absurdity of English law had distorted and besmirched her own perfectly legitimate action. They had given a handle to such harsh critics as Alfred Boyson. But she meant somehow to put herself right; and not only herself, but the great cause of woman's freedom and independence. No woman, in the better future that is coming, shall be forced, either by law or opinion, to continue the relations of marriage with a man she has come to despise. Marriage is merely proclaimed love; and if love fails, marriage has no further meaning or *raison d'être:* it comes, or should come, automatically to an end. This is the first article in the woman's charter; and without it marriage itself has neither value nor sanctity. She seemed to hear sentences of this sort, in her own voice, echoing about windy halls, producing waves of emotion on a sea of strained faces — women's faces, set and pale, like that of Madeleine Verrier. She had never actually made such a speech; but she felt she would like to have made it.

What was she going to do? No doubt, Roger would resent her coming — would probably refuse to see her, as she had once refused to see him. Well, she must try and act with dignity and common sense; she must try and persuade him to recognize her good faith, and to get him to listen to what she proposed. She had her plan for Roger's reclamation, and was already in love with it. Naturally, she had never meant permanently to hurt or injure Roger! She had done it for his good as well as her own. Yet, even as she put this plea forward in the inner tribunal of consciousness, she knew that it was false.

"*You have murdered a life!*" Well, that was what prejudice and hide-bound persons like Alfred Boyson said, and no doubt always would say. She could not help it; but for her own dignity's sake, that moral dignity in which she liked to feel herself enwrapped, she would give as little excuse for it as possible.

Then, as she stood looking eastward, a strange thought struck her. Once on that farther shore and she would be Roger's wife again — an English subject, and Roger's wife. How ridiculous, and how intolerable! When shall we see some real comity of nations in these matters of international marriage and divorce?

She had consulted her lawyers in New York before starting: on Roger's situation first of all, but also on her own. Roger, it seemed, might take certain legal steps, once he was aware of her being again on English ground. But, of course, he would not take them. "It was never me he cared for — only Beatty!" she said to herself with a bitter perversity. Still, the thought of returning within the range of the old obligations, the old life, affected her curiously. There were hours, especially at night, when she felt shut up with thoughts of Roger and Beatty — her husband and her child — just as of old.

How, in the name of justice, was she to blame for Roger's illness? Her irritable thoughts made a kind of grievance against him of the attack of pneumonia which she was told had injured his health. He must have neglected himself in some foolish way. The strongest men are the most reckless of themselves. In any case, how was it her fault?

One night she woke up suddenly, in the dawn, her heart beating tumultuously. She had been dreaming of her meeting — her possible meeting — with Roger. Her face was flushed, her

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memory confused. She could not recall the exact words or incidents of the dream, only that Roger had been in some way terrible and terrifying.

And as she sat up in her berth, trying to compose herself, she recalled the last time she had seen him at Philadelphia,— a painful scene! — and his last words to her, as he turned back from the door to speak them:

"As to Beatty, I hold you responsible! She is my child, no less than yours. You shall answer to me! Remember that!"

Answer to him? Beatty was dead — in spite of all that love and science could do. Involuntarily she began to weep as she remembered the child's last days; the little choked cry, once or twice, for "Daddy!" followed, so long as life maintained its struggle, by a childish anger that he did not come. And then the silencing of the cry, and the last change and settling in the small face, so instinct already with feeling and character, so prophetic of the woman to be.

A grief, of course, never to be got over; but for which she, Daphne, deserved pity and tenderness, not reproaches. She hardened herself to meet the coming trial.

She arrived in London in the first week of July, and her first act was to post a letter to Herbert French, addressed to his East End vicarage, a letter formally expressed and merely asking him to give the writer "twenty minutes' conversation on a subject of common interest to us both." The letter was signed "Daphne Floyd," and a stamped envelope addressed to "Mrs. Floyd" was enclosed. By return of post she received a letter from a person unknown to her, the curate apparently in charge of Mr. French's parish. The letter informed her that her own communication had not been forwarded, as Mr. French had gone away for a holiday after a threat of nervous breakdown in consequence of overwork; and business letters and interviews were being spared him as much as possible. "He is, however, much better, I am glad to say, and if the subject on which you wish to speak to him is really urgent, his present address is Prospect House, St. Damian's, Ventnor. But, unless it is urgent, it would be a kindness not to trouble him with it until he returns to town, which will not be for another fortnight."

Daphne walked restlessly up and down her hotel sitting-room. Of course the matter was urgent. The health of an East End clergyman — already, it appeared, much amended — was not likely to seem of much importance to a woman of her temperament, when it stood in the way of her plans.

But she would not write — she would go. She had good reason to suppose that Herbert French would not welcome a visit from her; he might, indeed, very easily use his health as an excuse for not seeing her. But she must see him.

By midday she was already on her way to the Isle of Wight. About five o'clock she arrived at Ventnor, where she deposited maid and luggage. She then drove out alone to St. Damian's, a village a few miles north, through a radiant evening. The twinkling sea was alive with craft of all sizes, from the great liner leaving its trail of smoke along the horizon, to the white-sailed yachts close upon the land. The woods of the Undercliff sank softly to the blues and purple, the silver streaks and gorgeous shadows of the sea-floor. The lights were broad and rich. After a hot day, coolness had come and the air was delightful.

But Daphne sat erect, noticing nothing but the relief of the lowered temperature after her hot and tiresome journey. She applied herself occasionally to natural beauty, as she applied herself to music or literature, but it is not to women of her type that the true passion of it — "the soul's bridegroom" — comes. And she was absorbed in thinking how she should open her business to Herbert French.

Prospect House turned out to be a detached villa standing in a garden, with a broad view of the Channel. Daphne sent her carriage back to the inn, and climbed the steep drive which led up to the verandahed house. The front garden was empty, but voices — voices, it seemed, of children — came from behind the house, where there was a grove of trees.

"Is Mr. Herbert French at home?" she asked of the maid who answered her bell.

The girl looked at her doubtfully.

"Yes, ma'am; but he doesn't see visitors yet. Shall I tell Mrs. French? She's in the garden with the children."

"No, thank you," said Daphne firmly. "It's Mr. French I have come to see, and I am sure that he will wish to see me. Will you kindly give him my card? I will come in and wait."

And she brushed past the maid, who was intimidated by the visitor's fashionable dress and by the drooping feathers of her Paris hat, in which the sharp, olive-skinned face with its magnificent eyes was picturesquely framed. The girl gave way unwillingly, showed Mrs. Floyd into a small study looking on the front garden, and left her.

"Elsie!" cried Herbert French, springing from the low chair in which he had been loung-

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ing in his shirt-sleeves, with a book, when the parlour-maid found him,—"Elsie!"

His wife, who was at the other end of the lawn, playing with the children, the boy on her back and a pair of girl twins clinging to her skirts, turned in astonishment and hurried back to him.

"Mrs. Floyd?" They both looked at the card in bewilderment. "Who is it? Mrs. Floyd?"

Then French's face changed.

"What is this lady like?" he asked peremptorily of the parlour-maid.

"Well, sir, she's a dark lady, dressed very smart ——"

"Has she very black eyes?"

"Oh, yes, sir!"

"Young?"

The girl promptly replied in the negative, qualifying it a moment afterwards by a perplexed, "Well, I shouldn't say so, sir."

French thought a moment.

"Thank you. I will come in."

He turned to his wife with a rapid question, under his breath:

"Where is Roger?"

Elsie stared at him, her colour paling.

"Herbert! — it can't — it can't ——"

"I suspect it is — Mrs. Barnes," said French slowly. "Help me on with my coat, darling. Now, then, what shall we do?"

"She can't have come to force herself on him!" cried his wife passionately.

"Probably she knows nothing of his being here. Did he go for a walk?"

"Yes, towards Sandown. But he will be back directly."

A quick shade of expression crossed French's face, which his wife knew to mean that whenever Roger was out by himself there was cause for anxiety. But the familiar trouble was immediately swallowed up in the new and pressing one.

"What can that woman have come to say?" he asked, half of himself, half of his wife, as he walked slowly back to the house. Elsie had conveyed the children to their nurse, and was beside him.

"Perhaps she repents!" The tone was dry and short; it flung a challenge to misdoing.

"I doubt it! But — Roger?" French stood still, pondering. "Keep him, darling,— intercept him if you can. If he must see her, I will come out. But we mustn't risk a shock."

They consulted a little in low voices. Then French went into the house and Elsie came back to her children. She stood thinking, her fine face, so open-browed and purely lined, frowning and distressed.

"You wished to see me, Mrs. Barnes?"

French had closed the door of the study behind him, and stood without offering to shake hands with his visitor, coldly regarding her.

Daphne rose from her seat, reddening involuntarily.

"My name is no longer what you once knew it, Mr. French. I sent you my card."

French made a slight inclination and pointed to the chair from which she had risen.

"Pray sit down. May I know what has brought you here?"

Daphne resumed her seat, her small hands fidgetting on her parasol.

"I wished to come and consult with you, Mr. French. I had heard a distressing account of — of Roger, from a friend in America."

"I see!" said French, on whom a sudden light dawned. "You met Boyson at Niagara,— that I knew,— and you are here because of what he said to you?"

"Yes, partly." The speaker looked round the room, biting her lip; and French observed her for a moment. He remembered the foreign vivacity and dash, the wilful grace of her youth, and marvelled at her stiffened, pretentious air, her loss of charm. Instinctively the saint in him knew from the mere look of her that she had been feeding herself on egotisms and falsehoods, and his heart hardened.

Daphne resumed:

"If Captain Boyson has given you an account of our interview, Mr. French, it was probably a one-sided one. However, that is *not* the point. He *did* distress me very much by his account, which I gather came from you — of — of Roger, and although, of course, it is a very awkward matter for me to move in, I still felt impelled for old times' sake to come over and see whether I could not help you — and his other friends — and, of course, his mother ——"

"His mother is out of the question," interrupted French. "She is, I am sorry to say, a helpless invalid."

"Is it really as bad as that? I hoped for better news. Then I apply to you — to you chiefly. Is there anything that I could do to assist you, or others, to ——"

"To save him?" French put in the words as she hesitated.

Daphne was silent.

"What is your idea?" asked French, after a moment. "You heard, I presume, from Captain Boyson that my wife and I were extremely anxious about Roger's ways and habits; that we cannot induce him, or at any rate we have not yet been able to induce him, to give up drinking; that his health is extremely bad, and that we are sometimes afraid that there is now some secret in his life of which he is ashamed?"

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"Yes," said Daphne, fidgetting with a book on the table. "Yes, that is what I heard."

"And you have come to suggest something?"

"Is there no way by which Roger can become as free as I now am!" she said suddenly, throwing back her head.

"By which Roger can obtain his divorce from you — and marry again? None, in English law."

"But there is — in Colonial law." She began to speak hurriedly and urgently. "If Roger were to go to New Zealand, or to Australia, he could, after a time, get a divorce for desertion; I know he could — I have enquired. It doesn't seem to be certain what effect my action — the American decree, I mean — would have in an English Colony. My lawyers are going into it. But at any rate there is the desertion. And then" — she grew more eager — "if he married abroad — in the Colony — the marriage would be valid. No one could say a word to him when he returned to England."

French looked at her in silence. She went on — with the unconscious manner of one accustomed to command her world, to be the oracle and guide of subordinates:

"Could we not induce him to go? Could you not? Very likely he would refuse to see me; and of course he has — most unjustly to *me*, I think — refused to take any money from me. But the money might be provided without his knowing where it came from. A young doctor might be sent with him — some nice fellow who would keep him amused and look after him. At Heston he used to take a great interest in farming. He might take up land. I would pay anything — anything! He might suppose it came from some friend."

French smiled sadly. His eyes were on the ground. She bent forward.

"I beg of you, Mr. French, not to set yourself against me! Of course," — she drew herself up proudly, — "I know what you must think of my action. Our views are different, irreconcilably different. You probably think all divorce wrong. We think, in America, that a marriage which has become a burden to either party is no marriage, and ought to cease. But that, of course," — she waved a rhetorical hand, — "we cannot discuss. I do not propose for a moment to discuss it. You must allow me my national point of view. But surely we can, putting all that aside, combine to help Roger?"

"To marry again?" said French, slowly. "It can't, I fear, be done — what you propose — in the time. I doubt whether Roger has two years to live."

Daphne started.

"Roger! — to live?" she repeated, in horror. "What is really the matter? Surely nothing more than care and a voyage would set right?"

French shook his head.

"We have been anxious about him for some time. That terrible attack of septic pneumonia in New York, as we now know, left the heart injured and the lungs weakened. He was badly nursed, and his state of mind at the time — his misery and loneliness — left him little chance. Then the drinking habit, which he contracted during those wretched months in the States, has been, of course, sorely against him. However, we hoped against hope — Elsie and I — till a few weeks ago. Then some one, we don't know who, made him go to a specialist, and the verdict is — phthisis; not very advanced, but certain and definite. And the general outlook is not favourable."

Daphne had grown pale.

"We must send him away!" she said imperiously. "We must! A voyage, a good doctor, a dry climate, would save him — of course they would! Why, there is nothing necessarily fatal now in phthisis! Nothing! It is absurd to talk as though there were."

Again French looked at her in silence. But as she had lost colour he had gained it. His face, which the East End had already stamped, had grown rosy; his eyes sparkled.

"Oh, do say something! Tell me what you suggest?" cried Daphne.

"Do you really wish me to tell you what I suggest?"

Daphne waited, her eyes first imploring, then beginning to shrink. He bent forward and touched her on the arm.

"Go, Mrs. Barnes, and ask your husband's forgiveness! What will come of it I do not know. But you at least will have done something to set yourself right — with God."

The Christian and the priest had spoken; the low voice in its intensity had seemed to ring through the quiet, sun-flooded room. Daphne rose, trembling with resentment and antagonism.

"It is you, then, Mr. French, who make it impossible for me to discuss — to help. I shall have to see if I can find some other means of carrying out my purpose."

There was a voice outside. Daphne turned.

"Who is that?"

French ran to the glass door that opened on the verandah, and, trying for an ordinary tone, waved somebody back who was approaching from without. Elsie came quickly round the corner of the house, calling to the new-comer.

But Daphne saw who it was and took her own course. She, too, went to the window, and, passing French, she stepped into the verandah.

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"Roger!"

A man hurried through the dusk. There was an exclamation, a silence. By this time French was on the lawn, his wife's quivering hand in his. Daphne retreated slowly into the study, and Roger Barnes followed her.

"Leave them alone," said French, and, putting an arm round his wife, he led her resolutely away, out of sound and sight.

Barnes stood silent, breathing heavily and leaning on the back of a chair. The western light from a side window struck full on him. But Daphne, the wave of excitement spent, was not looking at him. She had fallen upon a sofa; her face was in her hands.

"What do you want with me?" said Roger at last. Then, in a sudden heat, "By God, I never wished to see you again!"

Daphne's muffled voice came through her fingers.

"I know that. You needn't tell me so!"

Roger turned away.

"You'll admit it's an intrusion?" he said fiercely. "I don't see what you and I have got to do with each other now."

Daphne struggled for self-control. After all, she had always managed him in the old days. She would manage him now.

"Roger, I — I didn't come to discuss the past. That's done with. But — I heard things about you — that ——"

"You didn't like?" He laughed. "I'm sorry, but I don't see what you have to do with them."

Daphne's hand fidgetted with her dress, her eyes still cast down.

"Couldn't we talk without bitterness? Just for ten minutes? It was from Captain Boyson that I heard ——"

"Oh, Boyson! — was that it? And he got his information from French — poor old Herbert! Well, it's quite true. I'm no longer fit for your — or his — or anybody's society."

He threw himself into an arm-chair, calmly took a cigarette out of a box that lay near, and lit it. Daphne at last ventured to look at him. The first and dominant impression was of something shrunken and diminished. His blue flannel suit hung loose on his shoulders and chest, his athlete's limbs. His features had been thinned and graved and scooped by fever and broken nights; all the noble line and proportion was still there, but for one who had known him of old the effect was no longer beautiful, but ghastly. Daphne stared at him in dismay.

He, on his side, observed his visitor, but with a cooler curiosity. Like French, he noticed the signs of change, the dying down of brilliance and of bloom. To go your own way, as Daphne had done, did not seem to conduce to a woman's good looks.

At last he threw in a dry interrogation: "Well?"

"I came to try and help you!" Daphne broke out, turning her head away, "to ask Mr. French what I could do. It made me unhappy —— "

"Did it?" He laughed again. "I don't see why. Oh, you needn't trouble yourself. Elsie and Herbert are awfully good to me. They're all I want, or at any rate,"—he hesitated a moment,— "they're all I *shall* want — from now on. Anyway, you know there'd be something grotesque in your trying your hand at reforming me."

"I didn't mean anything of the kind!" she protested, stung by his tone. "I — I wanted to suggest something practical — some way by which you might — release yourself from me — and also recover your health."

"Release myself from you?" he repeated. "That's easier said than done. Did you mean to send me to the Colonies — was that your idea?"

His smile was hard to bear. But she went on, choking, yet determined.

"That seems to be the only way — in English law. Why shouldn't you take it? The voyage, the new climate, would probably set you up again. You need only be away a short time."

He looked at her in silence a moment, fingering his cigarette.

"Thank you," he said at last,— "thank you. And I suppose you offered us money? You told Herbert you would pay all expenses? Oh, don't be angry! I didn't mean anything uncivil. But," he raised himself with energy from his lounging position, "at the same time, perhaps you ought to know that I would sooner die a thousand times over than take a single silver sixpence that belonged to you!"

Their eyes met, his quite calm, hers sparkling with resentment and pain.

"Of course I can't argue with you if you meet me in that tone," she said passionately. "But I should have thought ——"

"Besides," he interrupted her, "you say it is the only way. You are quite mistaken. It is *not* the only way. As far as freeing me goes, you could divorce me to-morrow — here — if you liked. I have been unfaithful to you. A strange way of putting it — at the present moment — between you and me! But that's how it would appear in the English courts. And as to the 'cruelty,' that wouldn't give *you* any trouble!"

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Daphne had flushed deeply. It was only by a great effort that she maintained her composure. Her eyes avoided him.

"Mrs. Fairmile?" she said in a low voice.

He threw back his head with a sound of scorn.

"Mrs. Fairmile! You don't mean to tell me, Daphne, to my face, that you ever believed any of the lies — forgive the expression — that you, and your witnesses, and your lawyers, told in the States — that you bribed those precious newspapers to tell?"

"Of course I believed it!" she said fiercely. "And as for lies, it was you who began them."

"You *believed* that I had betrayed you with Chloe Fairmile?" He raised himself again, fixing his strange, deep-set gaze upon her.

"I never said —— "

"No! To that length you didn't quite go. I admit it. You were able to get your way without it." He sank back in his chair again. "No, my remark had nothing to do with Chloe. I have never set eyes on her since I left you at Heston. But — there was a girl, a shop-girl, a poor little thing, rather pretty; I came across her about six months ago — it doesn't matter how. She loves me; she was awfully good to me — a regular little brick. Some day I shall tell Herbert all about her — not yet, though of course he suspects. She'd serve your purpose, if you thought it worth while. But you won't —— "

"You're — living with her — now?"

"No. I broke with her a fortnight ago, after I'd seen those doctors. She made me see them, poor little soul! Then I went to say good-bye to her, and she —" his voice shook a little "— she took it hard. But it's all right. I'm not going to risk her life, or saddle her with a dying man. She's with her sister. She'll get over it."

He turned his head towards the window; his eyes pursued the white sails on the darkening blue outside.

"It's been a bad business, but it wasn't altogether my fault. I saved her from some one else, and she saved me, once or twice, from blowing my brains out."

"What did the doctors say to you?" asked Daphne, brusquely, after a pause.

"They gave me about two years," he said indifferently turning to knock off the end of his cigarette. "That doesn't matter." Then, as his eyes caught her face, a sudden animation sprang into his. He drew his chair nearer to her and threw away his cigarette. "Look here, Daphne, don't let's waste time. We shall never see each other again, and there are a number of things I want to know. Tell me everything you can remember about Beatty that last six months — and about her illness, you understand; never mind repeating what you told Boyson, and he told me. But there's lots more — there must be. Did she ever ask for me? Boyson said you couldn't remember. But you must remember!"

He came closer still, his threatening eyes upon her. And as he did so, the dark presence of ruin and death, of things damning and irrevocable, which had been hovering over their conversation, approached with him — flapped their sombre wings in Daphne's face. She trembled all over.

"Yes," she said faintly, "she did ask for you."

"Ah!" He gave a cry of delight. "Tell me — tell me at once — everything, from the beginning!"

And, held by his will, she told him everything — all the piteous story of the child's last days — sobbing herself, and, for the first time, making much of the little one's signs of remembering her father, instead of minimising and ignoring them, as she had done in the talk with Boyson. It was as though, for the first time, she were trying to stanch a wound instead of widening it.

He listened eagerly. The two heads — of the father and mother — drew closer; one might have thought them lovers still, united by tender and sacred memories.

But at last Roger drew himself away. He rose to his feet.

"I'll forgive you much for that!" he said, with a long breath. "Will you write it for me some day — all you've told me?"

She made a sign of assent.

"Well, now, you mustn't stay here any longer. I suppose you've got a carriage? And we mustn't meet again. There's no object in it. But I'll remember that you came."

She looked at him. In her nature the great deeps were breaking up. She saw him as she had seen him in her first youth. And, at last, what she had done was plain to her.

With a cry she threw herself on the floor beside him. She pressed his hand in hers.

"Roger, let me stay! Let me nurse you!" she panted. "I didn't understand. Let me be your friend! Let me help! I implore — I implore you!"

He hesitated a moment; then he lifted her to her feet, decidedly, but not unkindly.

"What do you mean?" he said slowly. "Do you mean that you wish us to be husband and wife again? You are, of course, my wife, in the eye of English law, at this moment."

"Let me try and help you!" she pleaded again, breaking into bitter tears. "I didn't — I didn't understand!"

He shook his head.

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"You can't help me. I — I'm afraid I couldn't bear it. We mustn't meet. It — it's gone too deep."

He thrust his hands into his pockets and walked away to the window. She stood helplessly weeping.

When he returned he was quite composed again.

"Don't cry so," he said calmly. "It's done. We can't help it. And don't make yourself too unhappy about me. I've had awful times. When I was ill in New York — it was like hell. The pain was devilish, and I wasn't used to being alone, and nobody caring a damn, and everybody believing me a cad and a bully. But I got over that. It was Beatty's death that hit me so hard, and that I wasn't there. It's that, somehow, I can't get over — that you did it — that you could have had the heart. It would always come between us. No, we're better apart. But I'll tell you something to comfort you. I've given up that girl, as I've told you; and I've given up drink. Herbert won't believe it, but he'll find it is so. And I don't mean to die before my time. I'm going out to Switzerland directly. I'll do all the correct things. You see, when a man *knows* he's going to die, well," — he turned away, — "he gets uncommonly curious as to what's going to come next."

He walked up and down a few turns. Daphne watched him.

"I'm not pious — I never was. But, after all, the religious people profess to know something about it, and nobody else does. Just supposing it were true?"

He stopped short, looking at her. She understood perfectly that he had Beatty in his mind.

"Well, anyhow, I'm going to live decently for the rest of my time — and die decently. I'm not going to throw away chances. And don't trouble yourself about money. There's enough left to carry me through. Good-bye, Daphne!" He held out his hand to her.

She took it, still dumbly weeping. He looked at her with pity.

"Yes, I know — you didn't understand what you were doing. But you see, Daphne, marriage is"— he sought rather painfully for his words — "it's a big thing. If it doesn't make us, it ruins us. I didn't marry you for the best of reasons, but I was very fond of you — honour bright! I loved you in my way; I should have loved you more and more. I should have been a decent fellow if you'd stuck to me. I had all sorts of plans; you might have taught me anything. I was a fool about Chloe Fairmile, but there was nothing in it, you know there wasn't. And now it's all rooted up and done with. Women like to think such things can be mended, but they can't — they can't, indeed. It would be foolish to try."

Daphne sank into a chair and buried her face in her hands. He drew a long and painful breath. "I'm afraid I must go," he said waveringly. "I — I can't stand this any longer. Good-bye, Daphne,— good-bye."

She only sobbed, as though her life dissolved in grief. He drew near to her, and as she wept, hidden from him, he laid his hand a moment on her shoulder. Then he took up his hat.

"I'm going now," he said in a low voice. "I shan't come back till you have gone."

She heard him cross the room, his steps in the verandah. Outside, in the summer dark, a figure came to meet him. French drew Roger's arm into his, and the two walked away. The shadows of the wooded lane received them.

A woman came quickly into the room.

Elsie French looked down upon the sobbing Daphne, her own eyes full of tears, her hands clasped.

"Oh, you poor thing!" she said, under her breath. "You poor thing!" And she knelt down beside her and folded her arms round her.

So, from the same heart that had felt a passionate pity for the victim, compassion flowed out on the transgressor. For, where others feel the tragedy of suffering, the pure in heart realise with an infinitely sharper pain the tragedy of guilt.

THE END

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THE REPUTATION OF THE "BELLA B."

BY

HARRIET LUMMIS SMITH

"A SHIP'S reputation is like a woman's," said the skipper. "When there's a whisper against it, it's as good as gone."

"Yes, sir," said the second mate, touching his cap.

Etiquette is exacting at sea, and a freight-boat flatters herself that she knows what is fitting as well as a man-of-war. The captain had shipped as cabin-boy when he was fourteen, and had worked his way up to his present lofty eminence, yet even with his officers he hedged himself about with an impenetrable superiority. He ate his meals in solitary state. He sometimes came into the mess-room and watched the progress of a card-game, but he never took a hand. To express an opinion contrary to that of the captain was not considered good form on the *Bella B.*, and so the second mate touched his cap and said, "Yes, sir."

Down in his heart he was wishing that the *Bella B.* was not so ready to shift the responsibility of protecting her reputation. She was a tramp steamer, and perhaps it was her roving life that had unsettled her standards. She had fought her way through a tornado on the Bay of Bengal, and had rounded the Horn in a tempest. In both instances, badly crippled, she had crawled into the nearest port for repairs. Her deck had been stained with the blood of a mutiny. She had been a floating pest-house on one or two occasions, lying tranquilly at anchor while the plague decimated her crew. She had a trick of leaving port just when the signals foretold dirty weather. She had a penchant for meeting icebergs in the most unheard-of places, and she had been the chief sufferer from several collisions. But of all her escapades her latest was the most serious.

Strictly speaking, this could not be laid at the door of the *Bella B.* When the captain had called the attention of the owners to the fact that the asbestos lining of one of the coal-bunkers was distinctly the worse for wear, these practical men had shrugged their shoulders. After one more voyage it would be necessary to have the *Bella B.* thoroughly overhauled, for the annual inspection. To make repairs before that time would be a waste of good money. The owners took the risk with the composure of business men who know how slight a margin there often is between making a fortune and losing one. The captain accepted their decision with the serenity of a man whose life has been one long hazard. And so the *Bella B.* sailed out jauntily, bound for Montreal.

They were five days from port when the fire was discovered. The defective asbestos lining had failed to protect the coal in one of the bunkers from the heat of the adjacent furnaces. The fuel had ignited. The *Bella B.* was not an ocean greyhound. With fair weather the captain hoped to make Montreal in fourteen days from Glasgow. Storms might delay him another week At the best the fire might easily become unmanageable before they reached land.

A ship at sea with a fire smoldering in her hold is like nothing so much as a human being with a cancer gnawing at his vitals. Outwardly life is much as usual. One goes about his work, laughs at a good story, makes money, makes love, and all the time that deadly, inexorable thing is gaining little by little. Each morning sees the inevitable a day nearer. Nothing out of the ordinary was observable on the *Bella B.* Perhaps the captain's eyes had a sunken look, as if he had slept poorly, and once, in the middle of a game of poker, the chief engineer dropped his hand and sprang to his feet. "I — I thought I heard something," he said, and then he sat down again and picked up his cards with a shaking hand. But the crew sang and told stories as usual, and even made rough jests regarding the slow-growing horror in the hold beneath them. And the *Bella B.* plowed her tranquil way across the

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gray-green water, the blue heavens over her, and a bit of red hell within.

What the tension had been none of them realized till land was sighted. Then a sudden hilarity possessed them all. With unexampled condescension the captain cracked a joke with the second mate, and that youth flushed with gratified pride as he touched his cap. He was very young to have received his papers, this second mate, but he had had two incentives. The one was a gentle old mother, who always wore a kerchief on Sundays, and had a way of ignoring the letter *h* that convinced the hearer that this particular letter had no business in the alphabet. The other incentive had brown curls and a trick of turning rose-color at the slightest provocation, to say nothing of the most tantalizingly long lashes that ever veiled a pair of gray eyes when a man wanted to look into their depths. No wonder that the second mate had been more ambitious and industrious than most young fellows of his age.

"We'll be in port soon," said the captain. "And, Mr. Davis, I'm thinking you and I will look after that little business in the coal-bunker."

"Yes, sir," said the second mate, but he blinked in bewilderment.

The captain saw the wonder in his face, and, though he was under no obligation to do so, he explained.

"It would be an easy thing to get the fire department down here," said the captain. "But if we did, we couldn't keep it secret. Shippers don't like to hear of such things. It plays the very devil with the underwriters." Then he added oracularly, "A ship's reputation is like a woman's. When there's a whisper against it, it's as good as gone."

The second mate's sense of resentment against the *Bella B.* for her seeming indifference to her own reputation had been but momentary. When the time came, he followed the captain down into the hold, his thoughts chiefly occupied with the honor conferred on him. When there was dangerous work to be done, the captain never held back, and his choice of the youth had gone to show that he recognized him as one of his own sort. "When I'm a skipper," thought the boy, "I won't send any man where I'm afraid to go myself." There was an elation in his face that made those he passed glance at him curiously.

For days the men had been drawing what they could of the coal from the bunker, and they were near the fire. From the sullen heaps against the wall adjacent to the furnace the smell of gas arose, and the heat was menacing. Each holding a hose, the two advanced upon the pile. The streams of water turned to steam as they struck, and the hissing white cloud drove the men back. Again they advanced, hose in hand, and again retreated.

"We're right on the fire," said the captain, drawing his hand across his eyes, blinded by perspiration. "It would have been a shame to have troubled the department for a little thing like this."

Even as he spoke there was a roar. Then the second mate found himself huddled against the wall and alone. The captain had disappeared. The opening before which he had been standing, and through which they had entered, was choked with coal. The second mate was entombed in a furnace. The peril he had been attacking had cut off his retreat. For an instant he was a madman, clawing at the coal with his bare hands, nor knowing that they blistered at the touch. The face of a little woman with a white kerchief crossed beneath her chin flashed suddenly before him, and that of a pink-cheeked girl pouting and lowering her lashes. She had promised to wear his ring after he returned from this voyage. He wondered vaguely if any one would think to give her that ring, now that he was never to come back.

The men outside were working furiously at the coal, thrown into a barricade by the force of the explosion. Some one made an opening and thrust a hose through. The water that drenched him came just in time to save his reason and his life. He waited, choking in the noxious gases, watching the little opening growing larger as strong arms shoveled back the coal. Then, knowing he could endure no more, he sprang forward. Darkness came, and with strange tranquillity he told himself that this was death.

When he opened his eyes he was on deck. A few feet away lay a blackened, begrimed figure he did not recognize. The steward was trying to force some liquor down his throat, and he swallowed it, and began to realize the pain of his blistered hands.

"Who is that?" he said to the steward, looking toward the silent figure over which the first officer was bending.

"That's the skipper. He was standing so that the explosion of the gas blew him right out of the bunker. But he hasn't moved since, though his heart is beating."

Just then the blackened figure opened its eyes and sat up. It looked toward the prostrate second mate, and for a moment there was silence.

"A ship and a woman are alike," said the

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skipper thoughtfully. "When you're doing your best to protect the reputation of either, the chances are that you'll get blown up. Mr. Saunders, as Mr. Davis is not fit for further duty, I will ask you to go down with me to put out the fire."

Then the second mate staggered to his feet, touched his singed hair with his blistered hand, and cried, "If you please, sir, I'm as fit as ever. Don't leave me out!"

That afternoon the *Bella B.*, lying at the dock, looked the picture of respectability. Not even the spick-and-span excursion steamers, carrying pleasure-seekers to near-by resorts, knew of aught to her discredit. The fire was extinguished. In the morning the repairs would begin. The second mate stood on the deck with his hands bandaged and counted up the days before they would be home again.

The captain, looking pale, yet very trim in his uniform, came up to him. "Are your burns any less painful?" he questioned. "They'll begin to ease up by to-morrow, perhaps." He hesitated a moment, then waived discipline sufficiently to say: "Some people would call it foolish. But the reputation of a woman or of a ship cannot be guarded too carefully. Some day you'll have a wife and you'll understand."

The boy looked eastward, and across three thousand miles of water saw a pretty, piquant face, the color coming and going, and the drooping lashes shading the telltale eyes. "Yes, sir," he said, raising his bandaged hand to his cap, "I understand."

RECTIFICATION

IN the January number of McCLURE'S MAGAZINE a story by Jack London was published, some of the characters in which are taken by certain residents of Tahiti to refer to themselves. The characters in the story are purely fictitious, and there was no intent to describe or refer to any living person. In particular there was no intent to describe or refer to Mr. Emile Levy, the well-known pearl merchant of Tahiti, or to Mr. Mapuhi, who is one of the principal traders in the Islands. We regret that the story has been construed as referring to actual persons.

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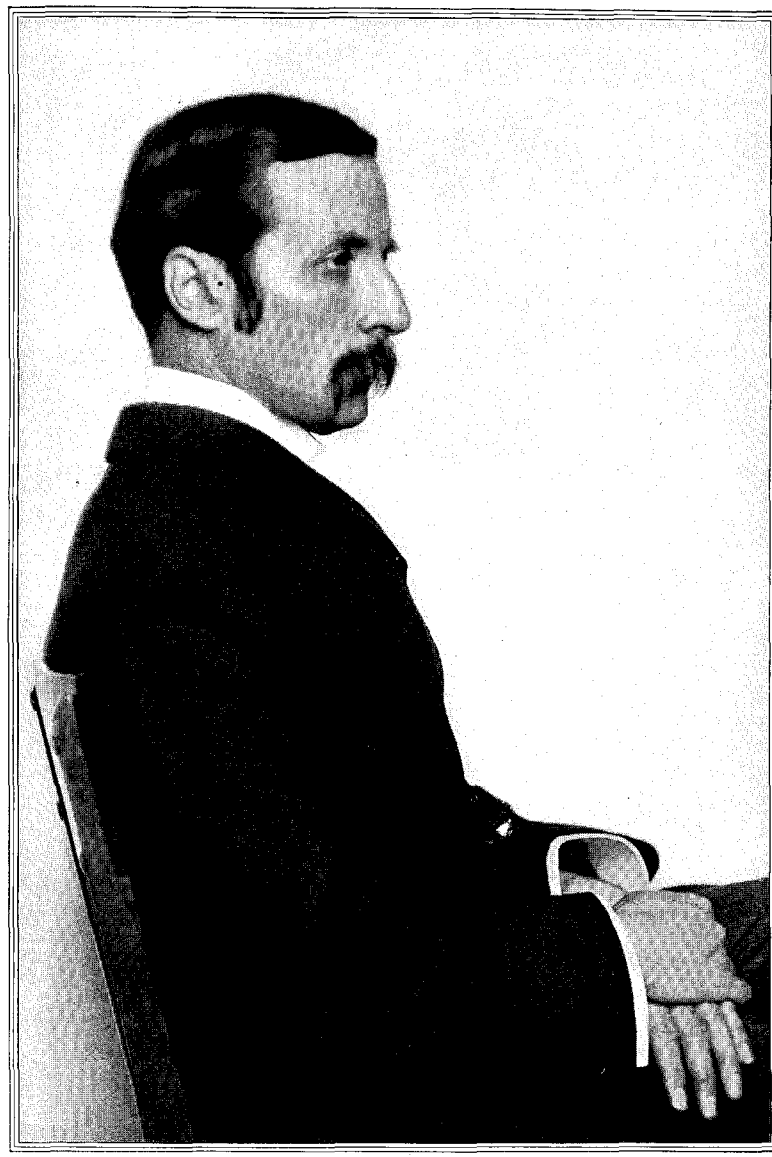

MR. WILLIAM ARCHER

AUTHOR OF "BLACK AND WHITE IN THE SOUTH," PAGE 324

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